

**REVISION OF
THE INFORMATION COLLECTION REQUEST FOR
THE NATIONAL PRETREATMENT PROGRAM
(40 CFR PART 403)**

OMB Control No. 2040-0009
EPA ICR No. 0002.09

U.S. Environmental Protection Agency
Office of Wastewater Management (4203)
401 M Street, S.W.
Washington, D.C. 20460

TABLE OF CONTENTS

	Page
1.0 SHORT CHARACTERIZATION	1
2.0 NEED FOR AND USE OF THE COLLECTION	2
2.1 NEED AND AUTHORITY FOR THE COLLECTION	2
2.1.1 Need for the Collection	2
2.1.2 Authority for the Collection	3
2.2 USE AND USERS OF THE INFORMATION	5
3.0 THE RESPONDENTS AND THE INFORMATION REQUESTED	11
3.1 RESPONDENTS AND SIC CODES	11
3.2 INFORMATION REQUESTED	12
3.2.1 Program Development	15
3.2.2 Program Implementation	15
3.2.3 Program/Categorical Determination	16
3.3 RESPONDENT ACTIVITIES	17
3.3.1 Program Development	17
3.3.2 Program Implementation	19
3.3.3 Program/Categorical Determination	26
4.0 THE INFORMATION COLLECTED: GOVERNMENT ACTIVITIES, COLLECTION METHODOLOGY, AND INFORMATION MANAGEMENT	31
4.1 GOVERNMENT ACTIVITIES	31
4.2 COLLECTION METHODOLOGY AND MANAGEMENT	31
4.3 SMALL ENTITY FLEXIBILITY	31
4.4 COLLECTION SCHEDULE	31
5.0 NONDUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA	33
5.1 NONDUPLICATION	33
5.2 CONSULTATIONS	33
5.3 EFFECTS OF LESS FREQUENT COLLECTION	35
5.4 GENERAL GUIDELINES	36
5.5 CONFIDENTIALITY AND SENSITIVE QUESTIONS	36
5.6 PUBLIC NOTICE REQUIRED PRIOR TO ICR SUBMISSION TO OMB	36
6.0 ESTIMATING THE BURDEN AND COST OF THE COLLECTION	37
6.1 ESTIMATING RESPONDENT BURDEN	37
6.1.1 States	48
6.1.2 POTWs	48
6.1.3 Industrial Users	48
6.1.4 Record Keeping	49

6.2	ESTIMATING RESPONDENT COST	50
6.3	ESTIMATING GOVERNMENT BURDEN AND COST	55
6.3.1	Burden to the Government	55
6.3.2	Cost to the Federal And State Governments	55
6.3.3	Cost to Municipal Governments as Users of the Data	62
6.4	TOTAL BURDEN HOURS AND COSTS	63
6.5	REASONS FOR CHANGE IN BURDEN	63
6.6	BURDEN STATEMENT	63
APPENDIX A	Basis of Assumptions Used in the Pretreatment ICR	A-1
APPENDIX B	General Pretreatment Regulations for Existing and New Sources of Pollution	B-1

LIST OF EXHIBITS

Exhibit 1:	Possible Authority Combinations Under the Pretreatment Program	4
Exhibit 2:	Pretreatment Program: Responsibilities for Each Authority	5
Exhibit 3a:	Uses of the Data Collected for Program Development	7
Exhibit 3b:	Uses of the Data Collected for Program Implementation	8
Exhibit 3c:	Uses of the Data Collected for Program/Categorical Determination	10
Exhibit 4:	Reporting Requirements for the Pretreatment Program	15
Exhibit 5:	Summary of Total Annual Burden to Respondents	37
Exhibit 6a:	Respondent Burden for States	38
Exhibit 6b:	Respondent Burden for Publicly Owned Treatment Works (POTWs)	39
Exhibit 6c:	Respondent Burden for Industrial Users (IUs)	41
Exhibit 6d:	Recordkeeping Burden for IUs, POTWs, and States	42
Exhibit 6e:	Annual Average Responses per Respondent	44
Exhibit 7:	Summary of Total Annual Cost to Respondents	50
Exhibit 8a:	SIU Sampling Frequency Matrix	52
Exhibit 8b:	Analytical Costs For States	53
Exhibit 8c:	Analytical Costs For POTWs	54
Exhibit 8d:	Analytical Costs For SIUs	55
Exhibit 8e:	Analytical Costs For CIUs in Proposed ELGs	56
Exhibit 9a:	Labor Hours for State Governments as Users of the Data	58
Exhibit 9b:	Labor Hours for Publicly Owned Treatment Works as Users of the Data	61
Exhibit 9c:	Labor Hours for the Federal Government as User of the Data	63
Exhibit 10:	Master Table of Annual Burden and Cost to Respondents and Governments	65

RENEWAL OF THE INFORMATION COLLECTION REQUEST FOR THE NATIONAL PRETREATMENT PROGRAM (40 CFR Part 403)

1.0 SHORT CHARACTERIZATION

This Information Collection Request (ICR) calculates the burden and costs associated with managing the National Pretreatment Program mandated by Sections 402(a) and (b) and 307(b) of the Clean Water Act. This ICR is a renewal of the Revision of the Information Collection Request for the National Pretreatment Program (OMB Control No. 2040-0009, ICR No. 0002.08).

Management of the pretreatment program is the responsibility of the Office of Wastewater Management (OWM) in the Office of Water (OW), Environmental Protection Agency (EPA). The Clean Water Act requires EPA to develop national pretreatment standards to control discharges from Industrial Users (IUs) into sewage systems, or Publicly Owned Treatment Works (POTWs). These standards restrict the level of certain pollutants in IU wastewaters. EPA administers the pretreatment program through the National Pollutant Discharge Elimination System (NPDES) permit program. Under the NPDES Permit Program, EPA can delegate authority for monitoring and enforcement of the pretreatment standards to approved States or individual POTWs. OWM uses the data collected under the pretreatment program to monitor and enforce compliance with the regulations, as well as to authorize program administration at the State or local (POTW) level. The data collected from IUs includes the mass, frequency, and content of their discharges, their schedule for installing pretreatment equipment, and actual or anticipated discharges of wastes that violate pretreatment standards, have the potential to cause problems at the POTW, or are considered hazardous under the Resource Conservation and Recovery Act (RCRA). States and POTWs applying for approval of a pretreatment program submit data concerning their legal, procedural, and administrative bases for establishing such a program. For example, data from POTWs applying for approval of their pretreatment programs are surveys of IUs, local limits for pollutant concentration, and schedules for dates of completion of major project requirements. IUs and POTWs submit written reports, and either States with approved pretreatment programs, or EPA, enter data into the NPDES database.

The information collection will involve an estimated 29,517 respondents at an annual cost of \$74,172,814 to respondents. The total annual cost to both respondents and government (excluding Federal Government) is estimated at \$78,083,607. The annual number of responses will be 175,296 or 5.94 responses per respondent. The time required for a response ranges from 15 minutes to 400 hours, with an average response time of 6.538 hours. An estimated 29,517 respondents are required to keep records at an average annual burden of 7.16 hours per recordkeeper. The pretreatment program will entail 211,396 hours of recordkeeping, 999,783 hours of reporting, and 135,839 for governments as users of the data for a total of 1,347,018 burden hours.

2.0 NEED FOR AND USE OF THE COLLECTION

2.1 NEED AND AUTHORITY FOR THE COLLECTION

2.1.1 *Need for the Collection*

Section 402(b) of the Clean Water Act requires EPA to develop national pretreatment standards to control industrial discharges into sewage systems. The purpose of these standards is to prevent contaminant pass-through or interference with treatment plant operations that may result in either damage to the environment or a threat to public health. Several serious problems can occur when industrial wastes are discharged into sewage systems, notably:

- *Pass-through of toxic pollutants into receiving waters.* Industrial pollutants that pass through treatment systems into receiving waters can cause fish kills, increase the risk of cancer in humans, and render receiving waters unsuitable for drinking and/or recreation.
- *Interference with treatment plant operations.* Municipal wastewater treatment systems are designed to handle typical household wastes and biodegradable commercial and industrial wastes. Toxic industrial compounds that do not pass directly through the system may interfere with plant operations.
- *Contamination of sewage sludge.* Toxic compounds remaining in sewage sludge may render it incompatible for certain disposal methods, such as land application, placement on a surface disposal site, or incineration.
- *Corrosion of pipes and equipment.* Industrial discharges with extremely high or low pH values can cause corrosion in the sewage collection system or the treatment plant, resulting in the need for repair or replacement of pipes and equipment.
- *Explosion of highly volatile wastes.* Industrial wastes may explode during treatment operations as a result of inadvertent mixing of highly volatile compounds, causing widespread damage to treatment facilities and posing a serious risk to plant operators.
- *Interaction of wastes to produce toxic gases.* Industrial discharges such as highly acidic wastes can interact with other wastes in the collection system, resulting in the release of toxic gases.

EPA has developed the national standards for the pretreatment program to accommodate circumstances common to all sewage systems, as well as those served by specific industries. These standards apply regardless of whether the source is subject to other Federal, State, or local pretreatment standards. First, the regulations establish general and specific discharge standards (40 CFR 403.5(a) and (b)) that apply to all IUs. The general prohibitions forbid the discharge of pollutants that may interfere or pass through the treatment works, thereby causing upset of treatment capability or addition of untreated or inadequately treated wastes. As stated in the previous Pretreatment ICR, the specific prohibitions forbid the discharge of pollutants that create a fire or explosion hazard, are highly corrosive, obstruct the

treatment processes or system flow, cause interference or pass through, increase the temperature of wastewaters entering the plant to above 104°F, cause worker health or safety problems, or are trucked or hauled to the POTW (except as allowed by the POTW).

In addition to the national pretreatment standards, other standards have been developed for specific categories of industry. These standards, called categorical pretreatment standards, differ from national pretreatment standards because they specify quantities or concentrations of certain pollutants or pollutant properties that may be discharged to a POTW by IUs in specific industrial categories. [EPA develops these categorical standards to restrict the discharge of certain toxic pollutants that EPA has identified as posing the greatest threat to human health or the environment.] Facilities subject to categorical pretreatment standards must also comply with national pretreatment standards.

Lastly, EPA requires the Control Authority to develop and enforce limits according to local, site-specific situations to ensure that the general and specific prohibitions are met by IUs (40 CFR 403.5(c)). These local limits are Federally enforceable pretreatment standards, as defined in Section 307(d) of the Clean Water Act. If local limits are more stringent than categorical standards, the more stringent limit applies and is enforceable as a Federal standard. The monitoring, recordkeeping, and reporting requirements pertaining to these various pretreatment standards are summarized in Exhibit 4 and are explained in more detail in Sections 3.2.1-3.2.3 below.

EPA, together with the various Approval and Control Authorities, implements these standards through implementation of the National Pretreatment Program. The information collected under this program is needed to:

- Authorize State and local programs,
- Monitor and enforce compliance with the national standards, and
- Determine applicability of the categorical standards.

2.1.2 Authority for the Collection

The information collection requirements discussed in this ICR are authorized by Section 402(b) of the Clean Water Act. This section provides for State administration of the NPDES Program, which controls point source discharges of pollutants to waters of the United States. According to the Act, States must also develop a program to ensure compliance by POTWs with the requirements of the General Pretreatment Regulations. Under the same authority, certain POTWs must identify all IUs that discharge pollutants subject to categorical standards under Section 307(b) of the Act, and to develop a pretreatment program to ensure compliance with these standards.

The administration of the pretreatment program involves three levels of authority:

- *Oversight Authority.* EPA Regional Offices oversee the State pretreatment programs. They can also assume the responsibilities of the Approval Authority or Control Authority if States or POTWs do not have authorized programs.
- *Approval Authority.* A State with an approved NPDES program must obtain Approval

Authority for its pretreatment program. The Approval Authority grants program approval to POTWs, oversees POTW program implementation, and assumes the responsibility of the Control Authority for those POTWs that do not have a pretreatment program.

- *Control Authority.* The Control Authority is responsible for implementing the pretreatment program, including establishment of control mechanisms for compliance assessment and enforcement of both the national standards and local limits. A POTW with a pretreatment program that is approved by the Approval Authority becomes the Control Authority. If the POTW does not obtain such approval, either the State or the EPA Region becomes the Control Authority.

Exhibit 1 indicates the possible combinations of authority. Exhibit 2 outlines the responsibilities of each authority.

Exhibit 1: Possible Authority Combinations Under the Pretreatment Program

POTW has approved pretreatment program	State has approved pretreatment program	Control Authority becomes	Approval Authority becomes	Oversight Authority becomes
Yes	Yes	POTW	State	EPA
Yes	No	POTW	EPA	EPA
No	Yes	State	State	EPA
No	No	EPA	EPA	EPA

The pretreatment program procedures and requirements are established in 40 CFR Part 403 as follows:

- 403.1 Purpose and Applicability
- 403.2 Objectives of General Pretreatment Regulations
- 403.3 Definitions
- 403.4 State or Local Law
- 403.5 National Pretreatment Standards: Prohibited Discharges
- 403.6 National Pretreatment Standards: Categorical Standards
- 403.7 Removal Credits
- 403.8 Pretreatment Program Requirements: Development and Implementation by POTW
- 403.9 POTW Pretreatment Programs and/or Authorization to Revise Pretreatment Standards: Submission for Approval
- 403.10 Development and Submission of NPDES State Pretreatment Programs
- 403.11 Approval Procedures for POTW Pretreatment Programs and POTW Revision of Categorical Pretreatment Standards
- 403.12 Reporting Requirements for POTWs and Industrial Users
- 403.13 Variances from Categorical Pretreatment Standards for Fundamentally Different Factors
- 403.14 Confidentiality
- 403.15 Net/Gross Calculation
- 403.16 Upset Provision
- 403.17 Bypass
- 403.18 Modification of POTW Pretreatment Programs

A copy of these regulations, as well as relevant sections of the Clean Water Act, can be found in Appendix B of this document.

Exhibit 2: Pretreatment Program: Responsibilities for Each Authority

<p style="text-align: center;">Oversight Authority (EPA)</p> <ul style="list-style-type: none"> • Evaluates program on a national basis and oversees State programs to ensure that they meet Federal requirements. • Approves State Program requests. • Acts as Approval and/or Control Authority in cases where States or POTWs do not have pretreatment programs.
<p style="text-align: center;">Approval Authority (States or EPA Regions)</p> <ul style="list-style-type: none"> • Reviews POTW program to determine adequacy. • Assists POTWs in ensuring compliance with pretreatment requirements. • Audits/inspects approved POTWs to assess compliance (may also inspect of IUs). • Enforces against POTWs for failure to implement or enforce pretreatment standards against IUs not in compliance (where POTW does not take action). • Acts as Control Authority in cases where the POTW does not have a pretreatment program.
<p style="text-align: center;">Control Authority (Approved POTWs, States, or EPA Regions)</p> <ul style="list-style-type: none"> • Has primary responsibility for implementing pretreatment program. • Ensures that IUs comply with discharge limitations and reporting requirements. • Inspects and/or reviews self-monitoring reports from IUs. • Enforces against non-complying IUs.

2.2 USE AND USERS OF THE INFORMATION

In general, the information collected for the pretreatment program is used in three ways:

- Program development,
- Program implementation, and
- Program/categorical determination.

Exhibits 3A, 3B, and 3C summarize the information collected for program development, program implementation, and program/categorical determination and the use of this information. Users of the information include Oversight Authorities, Approval Authorities, Control Authorities, POTWs, IUs, and the public.

Oversight Authorities use information about State pretreatment programs to evaluate the adequacy of these programs' legal authority, procedural requirements, and staff and funding appropriateness. In addition, Oversight Authorities use information about an IU to determine whether a

particular categorical standard or subcategory applies to the IU.

Approval Authorities use information collected for the pretreatment program to identify and locate IUs that may be subject to national pretreatment standards. Approval Authorities also use information about IUs to protect the POTW and its workers by prohibiting ignitable, obstructive, or reactive discharges from IUs. These authorities also use the data to determine whether a POTW's development of its pretreatment program is on schedule and adequate. In addition, the Approval Authority oversees a POTW's pretreatment program, monitors POTWs' compliance with their pretreatment program requirements, and considers the advisability of proposed changes in this program. The Approval Authority uses information from the POTW to calculate revised categorical standards that reflect pollutant removal resulting from POTW design capabilities and monitor ongoing pollutant removal that is the basis for a revised categorical standard.

Control Authorities use data from IUs to establish and verify the type and amount of substances contributed to the POTW, to inform the POTW about these substances, and to track compliance with schedules for the installation of pretreatment equipment. Control Authorities also monitor compliance with the pretreatment standards, enforce these standards, inform POTWs of changes in the volume or nature of pollutants, and evaluate the effects of an anticipated bypass. Finally, Control Authorities use information about IUs to determine whether they need to reduce the risk of slug, spill, and batch discharges.

POTWs use information received from Control and Approval Authorities to understand their obligations toward compliance with the pretreatment program, including maintenance, monitoring, reporting, and planning and carrying out protective action following any change in the volume or content of the discharge. Such changes include the discharge of hazardous substances subject to control under the RCRA.

IUs use information received from Control Authorities to understand what substances they are not allowed to discharge and to understand what other obligations they have under the pretreatment program.

The public are also users of information relating to this program, when they are informed of instances of significant noncompliance.

Exhibit 3A: Uses of the Data Collected for Program Development

Type of Data Collected	From	To	CFR	Use of the Data
State Pretreatment Program Approval Request	State	OA	403.10	To evaluate the adequacy of the State's pretreatment program, in terms of legal authority, procedural requirements, and appropriate staff and funding.
POTW Pretreatment Compliance Schedule Progress Report	POTW	AA	403.8, 403.9, 403.12(h)	To determine if the POTW is on schedule in developing its program, so the Approval Authority can either provide assistance or take enforcement action, if necessary.
POTW Pretreatment Program Approval Request	POTW	AA	403.8(b)	To evaluate the adequacy of the POTW's pretreatment program, in terms of legal authority, justification of local limits, compliance monitoring and administrative procedures, and limits, compliance monitoring, and appropriate staff and funding.
Maintenance of Pretreatment Program Information*	AA	Stored on site	403.11(f), 403.14(c)	To ensure that POTW program approval submission and removal credit approval submission, and any comments received on these submissions, are available to the public upon request.

Key:

OA = Oversight Authority

AA = Approval Authority

CA = Control Authority

*This is a recordkeeping, not a reporting, requirement.

Exhibit 3B: Uses of the Data Collected for Program Implementation (Page 1 of 2)

Type of Data Collected	From	To	CFR	Use of the Data
Baseline Monitoring Report	IU	CA	403.12(b)	To ensure compliance with the standards by each source, to determine whether schedules for compliance are reasonable, and to establish, verify, or expand records on the type and extent of industrial contribution to POTWs.
IU Compliance Schedule Progress Report	IU	CA	403.12(c)	To determine compliance with scheduled deadlines for installation of pretreatment technology to ensure compliance with the categorical standard before the deadline.
IU Compliance Attainment Report	IU	CA	403.12(d)	To determine if the IU is in compliance with final applicable pretreatment standards, and whether additional O&M or pretreatment is needed to attain the standard.
IU Compliance Reports (Resampling Requirements)	IU	CA	403.12(g)	To allow CA to detect patterns of continuing IU non-compliance (as opposed to single events).
IU/SIU Self-Monitoring Report	IU	CA	403.12(e), 403.12(h)	To assure continued IU compliance with the standards, and to determine whether enforcement action is needed.
Pollution Prevention Alternative	IU	CA	455.41	To ensure IUs covered by the pesticides formulating, packaging, and repackaging effluent guidelines have prepared a pollution prevention plan as an alternative to zero discharge.
POTW Maintenance of Monitoring Records*	POTW	Stored on site	403.12(o), 403.14(c)	To allow AA to verify POTW compliance with the national standards.
IU Maintenance of Monitoring Records*	IU	Stored on site	403.12(o)	To allow AA to verify IU compliance with the national standards.
Annual POTW Reports	POTW	AA	403.12(i)	To adequately oversee POTW pretreatment programs and consequent national implementation status. Also, to ensure compliance with pretreatment standards.
POTW Program Modifications	POTW	AA	403.18	To provide POTWs with the opportunity to modify pretreatment programs based on local conditions, and to provide AAs with opportunities to accept or deny such requests.

Key:

OA = Oversight Authority

AA = Approval Authority

CA = Control Authority

*This is a recordkeeping, not a reporting, requirement.

Exhibit 3B: Uses of the Data Collected for Program Implementation (Page 2 of 2)

Type of Data Collected	From	To	CFR	Use of the Data
IU Slug Load Notification	IU	CA	403.12(f)	To enable the POTW to plan and carry out protective actions immediately after any change in volume or character of pollutants.
Notification of Changed Discharge	IU	CA	403.12(j)	To ensure that the CA has the necessary information to adequately notify the NPDES permitting authority of substantial changes in discharge.
Bypass Notification	IU	CA	403.17	To inform the CA of the intentional diversion of wastestreams from any portion of an IU's treatment facility.
Notification of Changed Monitoring Location	IU	CA	403.6(e)	To inform the CA of the location of an IU's monitoring points in order to carry out its compliance monitoring and enforcement responsibilities.
Issuance of Discharge Permits for SIUs	CA	SIU	403.8(f)	To give SIUs clear notice of all pretreatment requirements and improve enforcement.
Inspection and Sampling of IU and SIU Effluent	CA	AA	403.8(f)	To properly monitor industrial discharges into POTW treatment facilities.
Public Notification of Significant Noncompliance	CA	Public	403.8(g)	To inform the public of instances of significant noncompliance.
Prevention and Control Plan for Spills and Batch Discharges	CA	SIU	403.8(f)	To notify SIUs that they need to plan to minimize the risk of slug, spill, and batch discharges.
Evaluation of the Need to Revise Local Limits	CA	AA	403.5(c)	To evaluate whether CAs have developed appropriate local limits to control toxic and hazardous pollutants.
POTW Enforcement Response Plan	POTW	AA	403.8(f)	To help decide whether CAs have effective enforcement programs.
SIU Notification	CA	SIU	403.8(f)	To notify IUs of their status as SIUs and of the regulations concerning SIUs.

Key:

OA = Oversight Authority
AA = Approval Authority
CA = Control Authority

*This is a recordkeeping, not a reporting, requirement.

Exhibit 3C: Uses of the Data Collected for Program/Categorical Determination

Type of Data Collected	From	To	CFR	Use of the Data
Notification of RCRA Discharge	IU	POTW, EPA, State	403.12(p)	To enable POTW's to be aware of discharges of RCRA hazardous wastes and to carry out protective action if needed.
Excellence Award Program Information	POTW, AA	AA/OA	N/A	To recognize CAs with outstanding pretreatment programs.
Categorical Determination Request	IU, CA	AA/OA	403.6(a)	To determine applicability of a particular categorical standard or subcategory to an IU.
Alternative Limits Modification	IU	CA	403.6(e)	To notify the CA of any material or significant change in the values used to calculate an alternative limit.
Fundamentally Different Factors Variance Request	IU, CA	OA	403.13	To provide plant-specific data needed to determine whether an IU's production process or technologies are fundamentally different from the representative facilities used to determine the limits specified in a categorical standard.
Net/Gross Adjustment Request	IU	CA	403.15	To determine whether an applicable pretreatment standard should be revised so that an IU is not required to remove pollutants that are already present in its intake water.
Removal Credit Approval Request	CA	AA	403.7	To authorize a POTW to calculate a revised categorical standard(s) reflecting pollutant removal already resulting from specific POTW design capabilities.
Removal Credit Self-Monitoring Report	CA	AA	403.7	To monitor ongoing POTW pollutant removal that is the basis for revised categorical standards for that POTW's users.

Key:

OA = Oversight Authority
AA = Approval Authority
CA = Control Authority

*This is a recordkeeping, not a reporting, requirement.

3.0 THE RESPONDENTS AND THE INFORMATION REQUESTED

3.1 RESPONDENTS AND SIC CODES

Respondents include POTWs, certain classifications of IUs, and States submitting requests for program approval. IUs potentially affected by the regulation include the following categories of industries:

Affected Industry	SIC Code(s)*
Adhesive/sealant	2891
Air and Water Resource/Solid Waste Management	9511
Aluminum Forming	33
Asbestos Manufacturing	3292
Battery Manufacturing	369
Builder's Paper and Board Mills	267
Carbon Black Manufacturing	2895
Cement Manufacturing	327
Coal Mining	12
Coil Coating	367
Copper Forming	3351
Dairy Products Processing	202
Electrical and Electronic Components	36
Electroplating	3471
Explosives Manufacturing	2892
Feedlots	0211
Ferroalloy Manufacturing	106
Fertilizer Manufacturing	147
Foundries	332, 3365, 3366
Fruits and Vegetables Processing Manufacturing	203
Glass Manufacturing	32
Grain Mills Manufacturing	204
Gum and Wood Chemicals	2861
Ink Formulating	2893
Inorganic Chemicals	281
Iron and Steel Manufacturing	332
Leather Tanning and Finishing	3111
Meat Processing	201
Metal Finishing	346, 3449, 347
Metal Molding and Casting	34
Non-Ferrous Metals Forming and Metal Powders	33
Ore Mining and Dressing	1081
Organic Chemicals, Plastics, and Synthetic Fibers	286
Paint and Ink Formulation	286, 289
Paving and Roofing (Tars and Asphalt)	295
Pesticides Formulating, Packaging, and Repackaging	287
Pesticides Manufacturing	287
Petroleum Refining	2911

Affected Industry	SIC Code(s)*
Pharmaceuticals Manufacturing	2834
Phosphate Manufacturing	1475
Photographic Supplies	3861
Plastics and Synthetics	308
Porcelain Enameling	3479
Printing and Publishing	2731
Pulp, Paper, and Paperboard	26
Rubber Processing	30
Seafood Processing	2091
Soaps and Detergents Manufacturing	284
Steam Electric Power Generation	4911
Textile Mills	22
Timber Products and Processing	24

* Note that in some cases industries are categorized by only two- or three-digit SICs.

Among the IUs that are respondents, some are considered to be significant industrial users (SIUs) based on certain criteria. SIUs are defined in 40 CFR 403.3(s) as the following types of facilities:

- All IUs subject to categorical pretreatment standards, and
- All IUs not subject to categorical pretreatment standards that:
 - discharge an average of 25,000 gallons per day or more of process wastewater,
 - contribute a process wastestream equal to or greater than 5 percent of the receiving treatment plant's average dry weather hydraulic or organic capacity, or
 - have a reasonable potential to adversely affect the POTW's operation or violate any pretreatment standard or requirement as determined by the Control Authority.

3.2 INFORMATION REQUESTED

This section describes the information required for the pretreatment program and the frequency of the collections. Exhibit 4 summarizes these reporting requirements. In conjunction with describing respondent activities, Section 3.3 provides additional details about the information requested.

Most of the information requirements, particularly those associated with program development and program/categorical determination, are one-time-only requirements that have already been met by most States, POTWs, and IUs. Approximately 27.3 percent of NPDES States have not obtained Approval Authority. Approximately 3.1 percent of affected POTWs are currently required to develop pretreatment programs. Over time, the latter estimate will fluctuate as additional POTWs are identified as needing pretreatment programs, and as such programs are approved.

Exhibit 4: Reporting Requirements for the Pretreatment Program (Page 1 of 2)

Type	Title	From	To	40 CFR	Frequency
Program Development	State Pretreatment Program Approval Request	State	OA	403.10	one time only
	POTW Pretreatment Compliance Schedule Progress Report	POTW	AA	403.8, 403.9, 403.12(h)	one time only
	POTW Pretreatment Program Approval Request	POTW	AA	403.8(b)	one time only
	Maintenance of Pretreatment Program Information*	AA	Stored on site	403.11(f), 403.14(c)	for 3 years
Program Implementation	Baseline Monitoring Report	IU	CA	403.12(b)	one time only
	IU Compliance Schedule Progress Report	IU	CA	403.12(c)	one time only
	IU Compliance Attainment Report	IU	CA	403.12(d)	one time only
	IU Compliance Report (Resampling Requirements)	IU	CA	403.12(g)	once per effluent violation
	IU/SIU Self-Monitoring Report	IU	CA	403.12(e), 403.12(h)	every 6 months, or more often if CA requests
	Pollution Prevention Alternative	IU	CA	455.41	one time; semi-annually**
	POTW and IU Maintenance of Monitoring Records*	POTW, IU	Stored on site	403.12(o), 403.14(c)	for 3 years
	Annual POTW Reports	POTW	AA	403.12(i)	annually
	POTW Program Modifications	POTW	AA	403.18	as needed, once per occurrence
	IU Slug Load Notification	IU	CA	403.12(f)	as needed
	Notification of Changed Discharge	IU	CA	403.12(j)	as needed, once per occurrence
	Bypass Notification	IU	CA	403.17	once per occurrence
	Notification of Changed Monitoring Location	IU	CA	403.6(e)	as needed, once per occurrence

Key:

OA = Oversight Authority

AA = Approval Authority

CA = Control Authority

*This is a recordkeeping, not a reporting, requirement.

**The IU submits the P2 Alternative Certification once, then submits semi-annual certifications or requests for modifications to the P2 alternative.

Exhibit 4: Reporting Requirements for the Pretreatment Program (Page 2 of 2)

Type	Title	From	To	CFR	Frequency
Program Implementation (Continued)	Removal Credit Self-Monitoring Report	POTW	AA	403.7	every 6 months
	Inspection and Sampling the Effluent of IUs and SIUs				
	Random Sampling and Analysis of IUs, Surveillance Activities	CA	AA	403.8(f)	intermittent
	Inspection and Sampling of SIUs	CA	AA	403.8(f)	annually
	Evaluation of SIUs	CA	AA	403.8(f)	every 2 years
	Public Notification of Significant Noncompliance	CA	Public	403.8(f)	annually
	Prevention and Control Plan for Spills and Batch Discharges	SIU	CA	403.8(f)	one-time, as required
	Evaluation of the Need to Revise Local Limits	CA	AA	403.5(c)	once every 5 years
	POTW Enforcement Response Plan	CA	AA	403.8(f)	one-time
	SIU Notification	CA	SIU	403.8(f)	as needed
	Notification of RCRA Discharge	IU	CA, EPA, State	403.12(p)	one-time
	Excellence Award Program Information	POTW	OA	N/A	annually (voluntary)
	Categorical Determination Request	IU, POTW	OA	403.6(a)	one time only (voluntary)
Program/Categorical Determination	Alternative Limits Modification	IU	CA	403.6(e)	one time per occurrence
	Fundamentally Different Factors Variance Request	IU, POTW	OA	403.13	one time only (voluntary)
	Net/Gross Request	IU	OA	403.15	intermittent
	Removal Credit Approval Request	POTW	AA	403.7	intermittent
	Removal Credit Self-Monitoring Report	POTW	AA	403.7	every 6 months

*This is a recordkeeping, not a reporting, requirement.

Key:
 OA = Oversight Authority
 AA = Approval Authority
 CA = Control Authority

3.2.1 Program Development

The reporting requirements for program development apply to States and POTWs, and include the following:

- State Pretreatment Program Approval Request,
- POTW Compliance Schedule Progress Report, and
- POTW Pretreatment Program Approval Request.

The regulations at 40 CFR 403.10 require States that were granted NPDES authority before the establishment of the Federal pretreatment program to develop a State pretreatment program. All other States are required to apply for pretreatment approval at the time they apply for NPDES program approval. A request for State pretreatment program approval must demonstrate that the State has developed the legal, procedural, and administrative bases for the program, and that it has obtained the necessary funding and staff to operate the program. Once a State has met these requirements, it becomes the Approval Authority for the State's pretreatment program. In cases where a State has not obtained approval authority, the EPA Regional Office administers the pretreatment program. Currently, 32 of the 44 NPDES States have approved programs.

All POTWs with design flows of more than 5 million gallons per day must develop pretreatment programs that will reduce, eliminate, or alter harmful industrial pollutants prior to discharge to the POTW sewage system. This requirement also applies to smaller POTWs that receive significant industrial discharges. POTWs located in States that act as the Control Authority for all POTWs in the State are exempt from this requirement. Currently, 97 percent of the approximately 1,500 POTWs required to develop programs have done so. (In cases where POTWs do not have a pretreatment program, approved pretreatment States or EPA Regional Offices assume the responsibility of the Control Authority.)

To obtain an approved pretreatment program, a POTW is required by 40 CFR 403.8 to conduct an extensive survey of its IUs, establish the legal authority and procedures for compliance monitoring and enforcement, develop local limits for pollutant concentrations, and secure the necessary staff and funding for the program. As part of its program development, the POTW must submit a schedule with the expected date of completion for each major program requirement. Before obtaining final approval, the POTW must certify that all of the above requirements have been met.

The Approval Authority must retain all pretreatment program submissions and removal credit requests submissions, as well as any comments related to these submissions, to be available to the public upon request.

3.2.2 Program Implementation

Once it receives program approval, the POTW or the agency responsible for administering the pretreatment program is required under Section 402(b) of the CWA to ensure IU compliance with the national pretreatment standards. This includes the following POTW requirements:

- Annual POTW Reports including updated SIU inventories and the results of inspection and sampling of SIU effluent
- POTW Program Modifications
- Notification of Applicable Standards and Requirements
- Issuance of Discharge Permits for SIUs
- Public Notification of Significant Violation

- Prevention and Control Plan for Spills and Batch Discharges
- POTW Enforcement Response Plan
- SIU Notification
- Excellence Awards Program.

Many of the other reporting requirements for this phase of the program apply to IUs, and include the following:

- Baseline Monitoring Report
- Industrial User Compliance Schedule Progress Report
- Industrial User Compliance Attainment Report
- Industrial User Compliance Reports (Resampling Requirements)
- Industrial User and Significant Industrial User Self-Monitoring Reports (and associated recordkeeping requirements)
- Pollution Prevention Alternative (PFPR P2 Alternative)
- Industrial User Slug Load Notification includes 40 CFR 403.5(b) and 40 CFR 403.8(f)(2)(v)(C)
- Notification of Changed Discharge
- Bypass Notification
- Notification of Changed Monitoring Location
- Notification of RCRA Discharge.

Within 180 days after the effective date of a categorical standard, affected industries must submit a Baseline Monitoring Report (BMR), giving the pollutant concentrations of their wastestreams. If they are not in compliance with the standards, they have up to three years to finance, construct, and operate any pollution control equipment or facilities needed to bring them into compliance. The BMR includes a schedule indicating when they will be in compliance with the standards.

Additionally, IUs must submit Compliance Schedule Progress Reports for each deadline contained in the schedule indicating if they achieved that milestone. They must provide a reason if they have not achieved the milestone. The Compliance Attainment Report is the final report on the status of pretreatment construction; it indicates that the system is operating and that the IU is in compliance with the appropriate standard.

Once an IU has achieved compliance, it must monitor and report the results of its analyses to the Control Authority at least once every six months (the IU or SIU Self-Monitoring Report). The Control Authority has the discretion to require more frequent monitoring or reporting if necessary. In addition, both the IU and the POTW must maintain records of these analyses for a minimum of three years. The IU must notify the Control Authority of any pollutant released at a flow rate and/or pollutant concentration that will cause interference with the POTW or will violate a general or specific prohibition of the permit. Such an occurrence, known as slug loading, must be reported "immediately" to enable the POTW to take appropriate protective actions (40 CFR 403.12(f)). The IU must also notify the POTW, the State, and EPA of the discharge of a substance defined as hazardous under RCRA.

3.2.3 Program/Categorical Determination

These reporting requirements are used to determine the applicability of or to revise specific requirements imposed on IUs. They include the following:

- Categorical Determination Request
- Alternative Limits Request
- Fundamentally Different Factors Variance Request
- Net/Gross Adjustment Request
- Removal Credit Approval Request
- Removal Credit Self-Monitoring Report.

Although the information is required once a request is made, the decision to make such a request is voluntarily made by the IU, the POTW, or an interested third party during the implementation phase of a particular categorical standard.

An IU or POTW may request that the Oversight Authority determine whether it is subject to a particular categorical standard. If the IU can demonstrate that its process effluent is mixed with other wastewaters prior to treatment, it may request alternative discharge limits. If the IU (or the interested party) can demonstrate that circumstances exist that were not considered when that standard was developed, it may request a Fundamentally Different Factors Variance. If an IU can certify that its intake waters are already contaminated with a restricted pollutant, it may request a Net/Gross Adjustment to obtain credit for the amount of pollutant in its intake waters. (This request is restricted to those cases where the intake and the discharge from the POTW are in the same body of water.)

Lastly, a POTW may apply to the Approval Authority at any time for authorization to grant removal credits. To qualify, the POTW must certify that the pollutant(s) being controlled by the categorical standard is (are) being treated and removed at the POTW, thereby rendering additional treatment by the IU unnecessary. In such cases, the Approval Authority may revise the applicable numerical standard(s) for IUs discharging to that facility. If a POTW is granted removal credits, it must monitor and report the results of its analyses to certify that pollutant removal is ongoing.

3.3 RESPONDENT ACTIVITIES

This section describes the activities that the different classes of respondents undertake to obtain the information they need to fulfill their obligations to the pretreatment program. As in the previous section, respondent activities are described with respect to program development, program implementation, and program/categorical determination.

3.3.1 Program Development

State Pretreatment Program Approval Request

States seeking approval for their pretreatment program must demonstrate that they have established the necessary legal, administrative and procedural bases for effective monitoring and oversight of POTW programs. Requests are submitted to the Regional Administrator, who determines whether they meet the requirements of 40 CFR 403.10 and Section 402(b) of the CWA. State requests must include three copies of the following components:

- A statement by the Attorney General (or the Attorney for those State Agencies that have independent counsel) that the laws of the State provide adequate authority to implement the program, together with copies of all relevant State statutes and regulations,
- A description of the funding levels and full- and part-time personnel available to implement the program, and

- Any modifications or additions to the Memorandum of Agreement (required by 40 CFR 123.24) that may be necessary for EPA and the State to implement the program.

The Regional Administrator will notify the State that the submission has been received and is under review, according to the process set out in 40 CFR 123.62. If the State submission is approved, the State will base its pretreatment program on information in that submission.

POTW Pretreatment Compliance Schedule Progress Report

POTWs with a total design flow greater than 5 million gallons per day (mgd) and that receive industrial pollutants that pass through or interfere with POTW operations, or that are otherwise subject to pretreatment standards, must establish a pretreatment program, as stated in 40 CFR 403.8(a). POTWs located in States that act as the Control Authority for all POTWs in the State are exempt from this requirement. The compliance schedule contains suggested dates to begin and complete major program components leading to the development and implementation of a POTW pretreatment program. Items such as legal authority, technical information, program procedures, and organizational and funding mechanisms should be included. The number of activities specified in the compliance schedule varies among the States and Regions. The time increment between each major event specified in the compliance schedule may be no more than nine months.

Within 14 days of the deadline for each major event in the compliance schedule, and within 14 days of the final compliance date for completing the program, the POTW must submit a progress report to the appropriate Approval Authority stating whether the deadline has been met. If the deadline was not met, the report must include the date compliance is expected, the reason for the delay, and the steps taken by the POTW to return to the established schedule.

POTW Pretreatment Program Approval Request

POTWs applying for program approval must include documentation of the following seven general program elements in their final submission:

- (1) *Industrial Waste Survey (IWS)*. The POTW must identify and evaluate the nondomestic dischargers to its treatment system. To conduct the IWS, the POTW must:
 - Compile a master list of potential IUs in the service area,
 - Identify and locate each IU and collect information relating to the type of industry and the quality and quantity of discharge,
 - Summarize the data collected for use in developing the program.
- (2) *Legal Authority*. The POTW must have adequate legal authority to apply and enforce the requirements of the general pretreatment regulations and any other State or local rules needed to control nondomestic discharges.
- (3) *Technical Elements/Local Limits*. The POTW must analyze discharges to its treatment system and establish local effluent limits to protect the operation of its treatment plant, the quality of its receiving water, and the quality of its sewage sludge.

- (4) *Compliance Monitoring.* The POTW must develop procedures for monitoring its IUs to determine compliance and noncompliance.
- (5) *Procedures.* The POTW must develop administrative procedures to implement its pretreatment program.
- (6) *Resources.* The POTW must have sufficient resources (funds, equipment, and personnel) to operate an effective and ongoing program.
- (7) *Enforcement Response Plan.* The POTW must develop a plan that contains detailed procedures indicating how it will investigate and respond to instances of IU noncompliance.

The Approval Authority reviews the submission and determines its adequacy, according to the requirements of 40 CFR 403.8(f). If the Approval Authority determines that the submission is inadequate, it notifies the POTW of any defects and provides information on how the POTW can comply with the requirements.

Record Maintenance of Submission and Comments for Program Approval and Removal Credits

The Approval Authority must retain and make available to the public for inspection and copying the submissions by POTWs of their pretreatment programs (for program approval) and of any requests for removal credits. The Approval Authority must also keep with these submissions any comments received pursuant to the submissions.

3.3.2 Program Implementation

Baseline Monitoring Report

According to 40 CFR 403.12(b), all IUs subject to categorical standards must submit a Baseline Monitoring Report (BMR) to the Control Authority within 180 days after the effective date of the applicable standard, or, in the case of new sources, at least 90 days prior to commencement of discharge. The BMR must include:

- Identifying information,
- Environmental control permits,
- Description of operations,
- Flow measurement data,
- Pollutant measurement for regulated pollutants,
- Certification (or non-certification) of compliance with the standard, and
- Compliance schedule.

This information is submitted only once, after promulgation of a categorical standard. If an IU has already submitted this information during the Industrial Waste Survey or in a permit application, it is not required to resubmit new information in the BMR to the Director or Regional Administrator in the BMR. The Control Authority may also require noncategorical IUs to submit a similar report if it deems necessary.

Industrial User Compliance Schedule Progress Report

As part of its BMR, an IU that cannot currently meet all effluent standards must submit a compliance schedule indicating the shortest time by which any additional pretreatment technology or operation and maintenance processes can be implemented. The schedule contains progress dates for commencement and completion of major events leading to the construction and operation of additional pretreatment required for the IU to meet the categorical pretreatment standard. The completion date in the schedule can be no later than the compliance date established for that pretreatment standard.

In addition to the compliance schedule (submitted with the BMR), periodic reporting is required within 14 days after each date in the schedule. This ensures progress toward categorical standard compliance. The report must indicate whether the IU complied with the scheduled increment of progress for that particular deadline and, if not, the date on which it expects to comply, the reason for the delay, and the steps being taken to return the construction to the established schedule. The frequency of these reports is determined by the planned stages of installation. In no case, however, may more than 9 months elapse between submission of progress reports to the Control Authority.

Industrial User Compliance Attainment Report

IUs subject to categorical standards must submit a report to the Control Authority within 90 days following the date for final compliance with the standard. The report must state whether compliance has been attained. New sources (defined at 40 CFR 403.3(k)(1)) must also submit this report after they begin to discharge wastewater into the POTW. The BMR must include:

- Sampling data indicating the nature and concentration of all pollutants from regulated processes limited by categorical pretreatment standards;
- Average and maximum daily flow measurements for regulated wastewaters; and
- A statement signed by an authorized company representative that declares whether pretreatment standards are being met on a consistent basis and, if not, what additional operation and maintenance or pretreatment is necessary to obtain compliance.

If the Control Authority determines that the IU must perform additional operation and maintenance or pretreatment to attain the standard, it can then assist the IU to obtain compliance or take an enforcement action against the IU.

Industrial User Compliance Report (Resampling Requirements)

All IUs are required to:

- Include sampling results in compliance reports,
- Perform repeat monitoring, when necessary, and
- Notify the Control Authority immediately of all discharges that could cause problems to the POTW.

All monitoring performed by the IU must be reported to the Control Authority to prevent IUs from selecting the most favorable sampling results to include in the report. If the sampling indicates a violation, the IU must notify the Control Authority within 24 hours of becoming aware of the violation and perform repeat sampling for the parameter for which the violation is found and submit results within 30 days.

Finally, the IU must notify the Control Authority immediately of all discharges that could cause problems to the POTW, including any slug loadings.

In addition, the POTW may perform discharge monitoring in lieu of self-monitoring by the industrial users. POTWs choosing to perform their own sampling and analyses must perform at least the same amount of sampling as is required of industrial users.

Industrial User and Significant Industrial User Self-Monitoring Report

Section 403.12 of the General Pretreatment Regulations requires that categorical and non-categorical SIUs report to the Control Authority at least semiannually on their continuing compliance with the standard. The reports must be submitted in June and December of each year, unless otherwise specified in a Pretreatment Standard or agreed upon by the Control Authority. New sources must also submit these reports after they begin to introduce wastewater into the POTW.

The Control Authority must have authority to require "appropriate" reporting from non-categorical IUs in order to assess and assure compliance with applicable pretreatment standards and requirements. The regulations specify that the following information be included in the report:

- Wastewater pollutant sampling and analysis data, including all regulated pollutants, concentrations, and sampling dates;
- A record of measured or estimated average and maximum daily flow for the reporting period;

In addition, the Control Authority may request other information relating to noncompliance, violations and corrective actions, sampling and analytical methods, and other topics.

The regulations do not specify how the data for these reports are to be developed. Monitoring can be performed by the Control Authority, the IU, or a combination of both. However, most Control Authorities require the IU to self-monitor (in addition to Control Authority monitoring).

Pollution Prevention Alternative

The Pesticides Formulating, Packaging, and Repackaging regulations (40 CFR § 455.41) contain a provision that allows facilities to submit a pollution prevention alternative certification in lieu of complying with the zero discharge requirement. The paperwork required for compliance with the P2 Alternative includes the following:

- One-time initial certification statement with required descriptions of products/processes, P2 practices and treatment systems,
- Periodic (semi-annual) certification statement with description of any changes since last report,
- Requests for approval of non-listed modifications to the listed practices along with justifications for such changes, and
- On-site Compliance Paperwork (i.e., supporting documentation).

POTW and Industrial User Maintenance of Monitoring Records

POTWs and IUs must maintain records of any monitoring activity as required by 40 CFR 403.12(o). The records, which must be kept by POTWs and IUs, consist of the sampling and analysis methods used by the facility and the results of both activities. Specifically, the following information must be retained in the record:

- Date, place, method, and time of sampling,
- Names of persons taking samples,
- Dates of analyses,
- Analytical techniques used in analyses, and
- Results of analyses.

In addition, POTWs must retain copies of all BMRs, Compliance Attainment Reports, and periodic IU Self-Monitoring Reports. These records must be kept for a minimum of 3 years, and must be available to the State Director, the Regional Administrator, or the POTW, as appropriate, for inspection.

Annual POTW Reports

The POTW is required to submit an annual report to the Approval Authority. The report must contain an updated list of the IUs discharging to the POTW, specifically identifying significant IUs. The updated list must show the categorical pretreatment standards and/or local limits applicable to each IU. The Annual POTW Report should include a summary of the compliance status of each IU over the period covered by the report, a summary of compliance monitoring and enforcement activities (including inspections conducted by the POTW), and any other information requested by the Approval Authority as appropriate.

POTW Program Modifications

The POTW may request program modifications at any time. All such requests must be submitted to the Approval Authority for review. The Approval Authority determines whether the POTW request is a substantial modification. The definition of a substantial modification is specified in the requirements and includes:

- Changes to POTW's legal authority (except for modifications that directly reflect a revision to 40 CFR Part 403 or 40 CFR Chapter I, subchapter N),
- Changes that relax POTW's local limits, except for the modifications to local limits for pH and reallocations of the Maximum Allowable Industrial Loading of a pollutant that do not increase the total industrial loadings for the pollutant, which are reported pursuant to paragraph (d) of this sections. Maximum Allowable Industrial Loading means the total mass of a pollutant that all IU of a POTW (or a subgroup of IU identified by the POTW) may discharge pursuant to limits developed under §403.5(c)
- Changes to POTW's control mechanisms,
- Changes to POTW's methods for implementing categorical pretreatment standards,
- Decreases in the frequency of self-monitoring or reporting required of IUs,
- Decreases in the frequency of POTW inspection and sampling of IUs,
- Changes to POTW's confidentiality procedures

If the Approval Authority approves the substantial modification, the change is written into the POTW's NPDES permit. In addition, notice of approval must be published in the same newspaper as

was the original request for modification. The POTW is also required to notify the Approval Authority of any nonsubstantial modifications 30 days prior to implementation of the modification.

Industrial User Slug Load Notification

Under 40 CFR 403.8(f)(2)(v)(C), IUs are required to notify the POTW of any slug discharges, including any discharge that would violate one of the specific prohibitions listed at 403.5(b). This provision is intended to protect a POTW's operations and physical integrity. The prohibitions listed at 40 CFR 403.5(b) include the following:

- Pollutants that create a fire or explosion hazard in the POTW, including wastestreams with a closed cup flashpoint of less than 140°F (40 CFR 403.5(b)(1)),
- Discharges with a pH lower than 5.0, unless the POTW is specially designed to accommodate such discharges, and pollutants that will cause corrosive, structural damage to the POTW (40 CFR 403.5(b)(2)),
- Solid or viscous pollutants in amounts that will cause obstruction to the flow in the POTW resulting in interference (40 CFR 403.5(b)(3)),
- Any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration that will cause interference (40 CFR 403.5(b)(4)),
- Heat in amounts that will inhibit biological activity in the POTW, resulting in interference, heat in such quantities that the temperature at the POTW exceeds 40°C (104°F) unless the Approval Authority, upon request of the POTW, approves alternate temperature limits (40 CFR 403.5(b)(5)),
- Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through (40 CFR 403.5(b)(6)),
- Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quality that may cause acute worker health and safety problems (40 CFR 403.5(b)(7)), or
- Any trucked or hauled pollutants, except at discharge points designated by the POTW (40 CFR 403.5(b)(8)).

The regulations define "interference" as a discharge that inhibits or disrupts the POTW; its treatment process or operations; or its sludge processes, use, or disposal, and is therefore a cause of a violation of the POTW's NPDES permit or prevents sewage sludge use or disposal.

All IUs are required to notify the POTW immediately of any slug loading so that the POTW can take protective actions. This notification is typically a telephone call from the IU to the POTW, with a written notification often required by the POTW to verify the date and time of the event, the approximate volume of the concentration of the slug load, the cause of the event, and corrective actions taken to avoid future events.

Notification of Changed Discharge

The regulations require all IUs to notify receiving POTWs promptly of any substantial change in

the volume and character of pollutants in the user's discharge. This notification enables POTWs to meet their obligations under 40 CFR 122.42(b)(2) to notify the permitting authority of resulting changes in the POTW discharge.

Bypass Notification

The regulations require notification of bypass, which is defined as the intentional diversion of wastestreams from any portion of a discharger's treatment facility (40 CFR 403.17(a)). The regulation requires all IUs to give prior notice of an anticipated bypass to the Control Authority 10 days before the bypass is to occur. For an unanticipated bypass, IUs must notify the Control Authority orally within 24 hours and, if required by the Control Authority, follow up in writing within five days.

Notification of Changed Monitoring Location

This requirement affects IUs that treat wastes for multiple processes. It enables the IU to change monitoring locations from segregated wastestreams to the combined wastestream. All categorical IUs are required to inform the Control Authority in advance of any change in the monitoring location.

Issuance of Discharge Permits for SIUs

The regulations require the Control Authority to issue discharge permits or equivalent individual control mechanisms to SIUs. These discharge permits must include, at a minimum, the following:

- A statement of duration of the permit (in no case more than five years),
- A statement of non-transferability without prior POTW approval,
- Effluent limits based on applicable categorical standards and local limits,
- Applicable monitoring, sampling, and reporting requirements, and
- Statements of applicable civil and criminal penalties.

Inspection and Sampling of IU and SIU Effluent

Control Authorities must randomly sample and analyze the effluent from IUs and conduct surveillance activities to identify noncompliance with pretreatment standards. Control Authorities must also inspect and sample the effluent from all SIUs annually. This requirement establishes a clear minimum standard for how often Control Authorities must inspect and sample the effluent of SIUs and enables POTWs to keep track of toxic and hazardous pollutants entering their systems.

Public Notification of Significant Noncompliance

The regulations require Control Authorities to publish in a daily newspaper a list of IUs that were in "significant noncompliance" (violations of high frequency or magnitude, as defined in 40 CFR 403.8(f)(2)) during the previous 12 months. This allows the public to be aware of such violations.

Prevention and Control Plan for Slug (Spills and Non-Routine Batch) Discharges

Through inspection and sampling of IU and SIU effluent (see above), Control Authorities must evaluate SIUs to determine whether they should have prevention and control plans for slug (spill and non-routine batch) discharges. If selected, the SIU must submit a plan which includes, at a minimum:

- A description of discharge practices, including non-routine batch discharges,
- A description of stored chemicals,
- Procedures for immediately notifying the Control Authority of slug discharges, including any discharge that would violate a prohibition under 40 CFR 403.5(b), with procedures for follow-up written notification within five days,
- If necessary, procedures to prevent impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, and worker training,
- If necessary, procedures for building any necessary containment structures or equipment,
- If necessary, measures for controlling toxic organics (including solvents), and
- If necessary, measures and equipment for emergency response.

The purpose of this requirement is to help prevent the accidental or sudden discharge of toxic or hazardous pollutants.

Evaluation of the Need to Revise Local Limits

POTWs must report to the Approval Authority every five years on the need to revise local limits. This information is necessary for the Approval Authority to evaluate whether POTWs have developed appropriate local limits to control toxic and hazardous pollutants.

POTW Enforcement Response Plan

The regulations require all approved POTWs to develop and implement Enforcement Response Plans describing how they will investigate and respond to IU noncompliance. This provision enables EPA to determine the adequacy of POTW response to IU noncompliance.

SIU Notification

Within 30 days of preparing or updating the inventory of SIUs, the Control Authority must inform its SIUs in writing of their status and of all applicable requirements. This gives SIUs notice of all requirements pertaining to them.

Notification of RCRA Discharge

All IUs must notify POTWs and Federal and State hazardous waste permitting authorities of any discharge into the POTW of a substance that is a listed or characteristic waste under Section 3001 of RCRA. In addition, the IU must estimate the volume of hazardous waste expected to be discharged during the following 12 months. This reporting requirement applies to all IUs including small quantity generators (less than 100 kg RCRA waste per calendar month). This requirement implements Section 3018(d) of RCRA.

Excellence Award Program Information

The National Pretreatment Program Excellence Awards is sponsored by EPA Headquarters. The program allows exemplary POTWs to be publicly and locally recognized. The program is intended to heighten overall public awareness of industrial wastewater control measures and to encourage public support of programs aimed at protecting the operations of treatment facilities, the health and safety of municipal employees, the quality of receiving waters and the reuse and recycling of effluents and sludges.

States and Regions nominate POTWs that demonstrate their commitment to protecting and improving the quality of the nation's waters through outstanding implementation and enforcement of local pretreatment programs. Each nomination is screened using Quarterly Noncompliance Reports (QNCRs) and other sources such as the Permit Compliance System (PCS). Potential POTWs should exhibit the following criteria:

- The POTW should be operating an exemplary pretreatment program,
- The POTW should be in compliance with all pretreatment requirements of 40 CFR Part 403, its approved program, and its NPDES permit,
- The POTW must not be operating under any enforcement order issued for any pretreatment violation, and
- The POTW must not have been listed on any quarterly noncompliance reports during the previous four quarters for violations of its approved pretreatment program or its NPDES permit.

States and EPA Regions may nominate up to four POTWs each year for the award. EPA requests an award justification from each POTW nominee that passes a screening test. Based on a review of the award justifications received, EPA names award winners.

3.3.3 Program/Categorical Determination

Categorical Determination Request

When promulgating a pretreatment standard under Section 307(b) of the CWA, the Administrator designates a category or categories of sources to which the standards apply. These categories are based upon Standard Industrial Classification (SIC) Codes. IUs may be designated under more than one code or categorical standard subcategory. If an IU or POTW is uncertain about the applicability of a particular categorical standard or subcategory designation, they may request that the EPA Administrator (or corollary State officer in approved Pretreatment States) provide written certification that the IU falls within that subcategory.

The request must be submitted within 60 days after the effective date of a categorical pretreatment standard. A new source must request this certification before it begins to discharge into the POTW. Where the POTW submits a request, it must notify the affected IU of the submission.

The application for program/categorical determination must contain a list of subcategories that may be appropriate for the facility, and must cite evidence to support the respondent's contention of the applicability of a particular subcategory/category designation. In addition, all statements contained in the application must be certified, as described in 40 CFR 403.6(a)(2)(ii).

Either the State Director or the EPA Director may make a program/categorical determination.

However, the latter retains the right to a final decision. If the submission is found to be incomplete, an extension of 30 days is given to the requester to correct the deficiency. The request is denied if the deficiency is not corrected within this time period. If the State Director makes the determination, the EPA Administrator is notified of the decision and may modify the decision within 60 days after receipt of it. The decision is sent to the requester, who may request a hearing to contest the decision to the EPA Administrator (or designee) within 30 days after receipt of the decision.

Alternative Limits Modification

When a facility's process effluent is mixed prior to treatment with wastewater that is not from the regulated process, the Control Authority may establish fixed alternative discharge limits. The Control Authority may also approve such an alternative limit developed by the IU. If there is any material or significant change in the values used in the calculation to fix the alternatives limits, the IU must immediately report such a change to the Control Authority.

Fundamentally Different Factors Variance Request

Section 40 CFR 403.13 provides for a variance from the limits specified in a categorical pretreatment standard due to "fundamentally different factors" (FDF). In certain cases, an individual discharger's production processes or technologies may be fundamentally different from the representative facilities used to determine those limits. A specific program/categorical pretreatment standard variance request may be submitted by an IU when the user believes that factors relating to its discharge are fundamentally different from those considered by the Agency in establishing that standard. An FDF variance request may also be submitted by a POTW or other interested party. The IU or POTW submits the variance request and supporting information to the State Director or EPA Administrator (or designee).

Factors considered fundamentally different are outlined in 40 CFR 403.13(d) and include:

- The nature or quality of pollutants contained in the raw waste load of the User's process wastewater,
- The volume of the User's process wastewater and effluent discharged,
- Non-water quality environmental impact of control and treatment of the User's raw waste load,
- Energy requirements of the application of control and treatment technology,
- Age, size, land availability, and configuration as they relate to the User's equipment or facility, processes employed, process changes, and engineering aspects of the application of control technology, and
- Cost of compliance with the required control technology.

The FDF variance request must contain the following data:

- The name and address of the person making the request,
- Identification of the interest of the requester affected by the categorical pretreatment standard for which the variance is requested,

- Identification of the POTW currently receiving the waste from the IU for which alternative discharge limits are requested,
- Identification of the categorical pretreatment standards that are applicable to the IU,
- A list of each pollutant or pollutant parameter for which an alternative discharge limit is sought,
- The alternative discharge limits proposed by the requester for each pollutant or pollutant parameter for which an alternative discharge limit is sought,
- A description of the IU's existing water pollution control facilities,
- A schematic flow representation of the IU's water system including water supply, process wastewater systems, and points of discharge, and
- A statement of facts clearly establishing why the variance request should be approved, including detailed supporting data, documentation, and evidence (e.g., technical and economic data collected by EPA and used in developing each pollutant discharge limit in the pretreatment standard).

As provided by 40 CFR 403.13(g)(2)(ii), the variance must be received within 180 days after the effective date of the applicable categorical pretreatment standard unless the IU has requested a program/categorical determination as provided by 40 CFR 403.6(a), in which case the request must be submitted within 30 days after the categorical determination. The variance request is circulated to all interested parties for public review. Following this public comment period of not less than 30 days, the Director will deny or approve the variance.

Net/Gross Adjustment Request

Section 40 CFR 403.15 details the procedures whereby an industry discharging to a POTW may obtain an adjustment to an applicable categorical pretreatment standard based on the presence of pollutants in the IU's intake water. These adjustments are known as net/gross credits. If the adjustment is granted, the applicable pretreatment standard is revised for those pollutants already present in the IU's intake water. However, if an industry has treatment technology in place, which will either partially or entirely remove a certain pollutant, the standard will be adjusted only to the extent that the pollutant is not removed by the IU's treatment technology.

To obtain net/gross credit, the IU must submit a request to the POTW. In the request, the IU must demonstrate the following:

- The intake water is the same body of water into which the effluent from the POTW is discharged,
- The proposed control system (or system in use) would, if properly installed and operated, meet the Standards in the absence of pollutants in the intake waters.
- The pollutants in the intake water do not vary chemically or biologically from the pollutants limited by the applicable standard, and

- The concentration of pollutants in the effluent is not significantly greater than the concentration in the intake water.

After the net/gross credit is granted, the IU must notify the POTW of any changes in the quantity of pollutants in the intake water or the level of IU treatment. Additionally, the IU will be required to conduct special monitoring to determine continued eligibility for and compliance with the adjustments.

Removal Credit Approval Request

The Removal Credit Approval Request provides specific POTW data necessary for the Approval Authority to review and approve a revised categorical pretreatment standard reflecting POTW pollutant removal. Revisions will be made only when the POTW demonstrates consistent removal of each pollutant for which the discharge limit in a categorical standard is to be revised, at a level which justifies the amount of revision. A removal credit benefits the POTW's IUs that are subject to the categorical standard that has been revised. These users may not have to install additional pretreatment or operation and maintenance technology in order to comply with the revised pretreatment standard. Application requirements and procedures for POTWs wishing to obtain removal allowances are contained in 40 CFR 403.7(a), (b), and (e).

To obtain a removal credit, the POTW must have an approved pretreatment program or have such approval pending. It submits the removal credit request and supporting information to the Approval Authority, either the EPA or the State with delegated pretreatment program authority. According to 40 CFR 403.7(b)(2), the POTW's request must include:

- A list of pollutants for which discharge limit revisions are proposed,
- POTW influent and effluent data demonstrating consistent pollutant removal,
- A description of the POTW's analytical methods used in sampling,
- The calculations involved in determining the POTW's consistent pollutant removal,
- A list of the industrial subcategories for which discharge limits will be revised,
- The calculations used to determine revised categorical standards,
- A description of the POTW's current sludge management practices and a certification that the granting removal credits will not cause a violation of an applicable sludge requirement, and
- A certification that granting removal credits will not cause a violation of the POTW's NPDES permit.

Within five days after determining that the request is complete, the Approval Authority issues a public notice that the request has been received. Notices of the request are mailed to the agencies responsible for developing plans under CWA Section 208, Federal and State fish and wildlife resource agencies, and to any other interested persons who have requested notification. The public notice period lasts at least 30 days, during which time all written comments are submitted to the Approval Authority. In addition, the Approval Authority publishes the request in the largest daily newspaper within the POTW's jurisdiction. To consider the POTW's removal allowance request, the Director must hold a public hearing

if there is significant public interest in the issues involving the POTW's request for removal authority. After the 30-day notice, but within 180 days, the Director denies or approves the removal allowance request and notifies the POTW of this decision.

Removal Credit Self-Monitoring Report

The Removal Credit Self Monitoring Report provides EPA with up-to-date, POTW-specific data necessary to ensure compliance with the categorical pretreatment standard. The reporting requirements are described in detail in 40 CFR 403.12(i) and (j).

A POTW that has obtained removal credit approval must submit to the Approval Authority annual reports demonstrating consistent pollutant removal and sludge quality maintenance, beginning 60 days after the effective date of a categorical pretreatment standard for which the removal credit is to apply. Thereafter, the POTW must continue to substantiate its removal credit with periodic reports to be submitted every six months.

These reports are needed to establish the POTW's rate of consistent removal and, as specified in Section 307(b)(1) of the Act, to demonstrate that the POTW's sludge use and disposal practices will not be adversely affected. According to 40 CFR 403.7(b)(2), each report must include:

- A list of pollutants for which discharge limit revisions are proposed,
- POTW influent and effluent data demonstrating consistent pollutant removal,
- Data representative of the POTW's yearly and seasonal conditions,
- Data representative of the quality and quantity of normal POTW influent and effluent,
- A description of the POTW's analytical methods used in sampling,
- The calculations involved in determining the POTW's consistent pollutant removal,
- A list of the industrial subcategories for which discharge limits will be revised,
- The calculations used to determine revised categorical standards, and
- A description of the POTW's current sewage sludge management practices.

The Approval Authority evaluates each report to determine whether the POTW's pollutant removal and sewage sludge quality maintenance have continued to justify the approved removal credit. If the POTW has not justified the removal credit, the Approval Authority may rescind the removal credit after notifying the POTW.

4.0 THE INFORMATION COLLECTED: GOVERNMENT ACTIVITIES, COLLECTION METHODOLOGY, AND INFORMATION MANAGEMENT

4.1 GOVERNMENT ACTIVITIES

As Oversight Authority, EPA Regional Offices oversee State pretreatment programs. This activity includes reviewing certain requests, such as the Pretreatment Categorical Determination Request and the Fundamentally Different Factors Request. Oversight Authorities also receive requests from States seeking approval for their pretreatment programs. Oversight Authorities must then review these requests for completeness.

EPA Regional Offices act as Approval Authority in States that do not have approved programs. As the Approval Authority, a Regional Office reviews POTW programs for adequacy, audits and inspects approved POTWs, enforces against POTWs for failure to implement regulations, enforces pretreatment standards against IUs not in compliance (where the POTW does not take action). An Approval Authority may also inspect IUs to assess compliance.

EPA Regional Offices also act as Control Authority in cases where neither the State nor the POTW has an approved program. As Control Authority, a Regional Office has primary responsibility for implementing the pretreatment program. The Regional Office acting as Control Authority would need to notify SIUs of their status and obligations, review applications for discharge permits, and determine which IUs need to take action to reduce the risk of spills or batch discharges. The Control Authority also ensures that IUs comply with discharge limitations and reporting requirements, inspects and/or reviews self-monitoring reports from IUs, enforces against non-complying IUs, and notifies the public of significant violators.

4.2 COLLECTION METHODOLOGY AND MANAGEMENT

Reports and requests from IUs and POTWs are written. EPA makes use of the PCS database to store, track, and access information.

4.3 SMALL ENTITY FLEXIBILITY

The reporting requirements for program development affect only State and municipal governments. Requirements for both program implementation and program/categorical determination involve some small businesses. This information is not available from any other source, and is essential for implementation of the program. In most cases, the reporting burden for small businesses cannot be specifically reduced. However, the burden for small industries may be inherently smaller because their facilities are likely to be less complex. Also, such businesses are less likely to be classified as SIUs.

The Agency's guidance for setting frequencies for periodic self-monitoring is based in part on flow volume. Those IUs with lower flow volumes are likely to be required by the Control Authority to monitor less frequently than larger IUs.

4.4 COLLECTION SCHEDULE

The majority of reporting requirements associated with this program are one-time only requirements. Therefore, frequency of data collection is relevant only to the following requirements:

- IU and SIU Self-Monitoring Reports,
- Annual POTW Reports, including updating the SIU List,
- Issuance of Discharge Permits for SIUs,
- Inspection and Sampling the Effluent of IUs and SIUs,
- Public Notification of Significant Noncompliance,
- Evaluation of the Need to Revise Local Limits,
- POTW Report on Prevention and Control Plan for Spills and Batch Discharges,
- SIU Notification,
- Excellence Award Program Information, and
- Removal Credit Self-Monitoring Reports.

Exhibit 4 summarizes reporting requirements for the Pretreatment Program.

5.0 NONDUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA

5.1 NONDUPLICATION

EPA has examined all other reporting requirements contained in the CWA and 40 CFR 403. In addition, the following sources of information have been examined or consulted to determine whether similar or duplicative information is available elsewhere:

- Permit Compliance System,
- Management Information and Data Systems Division Inventory of Automated Systems,
- Environmental Information Clearinghouse,
- Inventory of Information Collection Requests.

No similar or duplicative reporting requirements were found. No other mechanism for obtaining information on continued compliance with pretreatment standards is available.

5.2 CONSULTATIONS

On June 26, 1978, EPA promulgated the General Pretreatment Regulations (43 FR 27736). Between February 1977 and June 1978, four public hearings and 16 public meetings were held concerning the proposed regulations; in addition, more than 400 individual comments were received by EPA. As a result of the comments received, EPA modified reporting requirements in the final General Pretreatment Regulations to minimize the burden to POTWs.

On October 29, 1979, EPA proposed amendments to the General Pretreatment Regulations (44 FR 62260). After considering numerous comments submitted on the proposed amendments, EPA developed and published the amended General Pretreatment Regulations on January 28, 1981 (46 FR 9404). These amendments were originally scheduled to take effect on March 13, 1981. Their effective date was temporarily deferred until March 30, 1981, by Presidential memorandum (46 FR 11972). On March 27, 1981, EPA indefinitely postponed the amendments' effective date.

After EPA's indefinite deferral of the effective date of the general pretreatment amendments in 1981, a suit was brought by the Natural Resources Defense Council (NRDC) challenging EPA's deferral of these amendments without notice and comment. Additionally, two groups that are directly and substantially affected by the National Pretreatment Program recommended that portions of the amended regulations go into effect. After considering all public comments received in response to the postponement, EPA put into effect most of the amendments. On July 8, 1982, a decision was reached on NRDC's suit (*NRDC v. EPA*, No. 81-2068). The court held that EPA's suspension violated the Administrative Procedure Act, and ordered EPA to reinstate all pretreatment amendments retroactive to March 30, 1981.

On February 3, 1984, EPA established the Pretreatment Implementation Review Task Force (PIRT), to provide the Agency with recommendations on the day-to-day problems faced by POTWs, States and industry in implementing the Agency's pretreatment program. PIRT was composed of 17 representatives of POTWs, States, industry, environmental groups and EPA Regions. Out of this effort

came a set of recommendations to the Agency summarized in a final report to the Administrator¹. The General Pretreatment and NPDES regulations (40 CFR Parts 122 and 403) were revised in October 17, 1988 (53 FR 40610) in response to PIRT recommendations.

The enactment of the Hazardous and Solid Waste Amendments to the Resource Conservation and Recovery Act (RCRA) by Congress in 1984 required EPA to prepare a report for Congress on wastes passing through POTWs which fall under the domestic sewage exclusion. EPA also had to promulgate new regulations or modifications to existing regulations to ensure that such discharges did not present a threat to human health or the environment. Under the domestic sewage exclusion (Section 1004(27) of RCRA), solid or dissolved materials within domestic sewage are not regulated under RCRA as solid or hazardous waste, and as such, are not required to meet RCRA standards for hazardous waste treatment, storage, or disposal.

The Domestic Sewage Study (DSS) was submitted to Congress on February 7, 1986. The report contained information on 160,000 waste dischargers from 47 industrial categories and the residential sector, and provided information on the effectiveness of existing government controls over discharges, especially federal and local pretreatment programs and categorical pretreatment standards. The DSS concluded that while the Domestic Sewage Exclusion should be retained, CWA authorities should be more broadly and effectively applied to regulate hazardous waste discharges. Several initiatives were proposed in the report for attainment of increased effectiveness of controls.

As a result, EPA published an Advance Notice of Proposed Rulemaking (ANPR) on August 22, 1986 (51 FR 30166) for modifications to the General Pretreatment and NPDES regulations (40 CFR Parts 122 and 403). Three public meetings were held in Washington, D.C., Chicago, and San Francisco to solicit comments on the ANPR. Comments on the ANPR were summarized and published in the Federal Register on June 22, 1987. Most comments on the DSS and the ANPR, which primarily dealt with methods of improving pretreatment programs to more effectively control hazardous waste discharges to POTWs, were incorporated into the proposed regulatory changes published in the Federal Register on November 23, 1988 (53 FR 47632). The final rule to implement the proposed revisions to the Pretreatment and NPDES regulations and to ensure the control of hazardous wastes passing through POTWs was issued on July 24, 1990 (55 FR 30082).

On November 25, 1992, pursuant to Section 405 of the Clean Water Act (CWA), EPA promulgated a regulation (40 CFR part 503) to protect public health and the environment from reasonably anticipated adverse effects of certain pollutants in sewage sludge (58 FR 9248, February 19, 1993). This regulation established requirements for the final use or disposal of sewage sludge when the sewage sludge is: (1) applied to the land either to condition the soil or to fertilize crops grown in the soil; (2) placed on the land for final disposal; or (3) incinerated. At the same time EPA promulgated the part 503 regulation, EPA also amended the part 403 General Pretreatment Regulations to add a new Appendix G that includes two tables of pollutants that would be eligible for a removal credit so long as the other procedural and substantive requirements of 40 CFR part 503 and 40 CFR 403.7 are met. The first table (Appendix G—Section I) lists, by use or disposal practice, the pollutants that are regulated in part 503 and eligible for removal credit authorization. The second table (Appendix G—Section II) lists, by use or disposal practice, additional pollutants that are eligible for a removal credit if the concentration of the pollutant in sewage sludge does not exceed a prescribed concentration. The pollutants in Appendix G—Section II are the pollutants that EPA evaluated and decided not to regulate during development of the part 503 regulation. (58 FR 9381–5).

¹ For a detailed summary of PIRT's recommendations, see the January 30, 1985, EPA publication *Pretreatment Review Task Force: Final Report to the Administrator*.

On March 5, 1993, the Leather Industries of America, Inc. filed a petition with the U.S. Circuit Court of Appeals for the District of Columbia Circuit seeking review of the pollutant limits for chromium found in Tables 1–4 of 40 CFR 503.13(b). On June 17, 1993, the City of Pueblo, Colorado, filed a petition for review with the U.S. Court of Appeals for the Tenth Circuit challenging the selenium pollutant limits in Tables 1–3 of 40 CFR 503.13(b). This case was subsequently transferred to the D.C. Circuit. On November 15, 1994, the D.C. Circuit remanded the cumulative pollutant loading rate for chromium in Table 2 and the pollutant concentration limit for chromium and selenium in Table 3 to the Agency for modification or additional justification. *Leather Industries of America, Inc. v. Environmental Protection Agency*, 40 F.3d 392 (D.C. Cir. 1994).

Effective October 25, 1995, and as a result of EPA's reconsideration of certain issues remanded by the U.S. Court of Appeals for additional justification or modification, the Agency amended 40 CFR 503 to delete the land application pollutant limits for chromium and changing the land application pollutant concentration limit for selenium. EPA also amended the list of pollutants for which a removal credit may be available, accordingly, in Appendix G of 40 CFR 403. (60 FR 54764-70).

The President's Report on "Reinventing Environmental Regulations" (March 1995) pledged to provide "more common sense and fairness in our regulations." The goal of this initiative was to provide greater flexibility, reduce burden, and achieve greater environmental results at less cost. To this end, EPA committed to streamlining the National Pretreatment Program to reduce the burden of technical and administrative requirements that affect industrial users and POTW and State Control Authorities. In 1995, EPA's Office of Wastewater Management initiated an evaluation of all of the General Pretreatment Regulations in 40 CFR Part 403 in order to identify streamlining opportunities. Ultimately, the regulation "streamlining" process was conducted in two phases.

The first phase simplified the process for modifying the pretreatment program requirements included in POTW NPDES permits. EPA solicited preliminary input on a "straw proposal" from various stakeholders, including States, POTWs, trade associations and environmental groups, which shaped the proposal published in the Federal Register on July 30, 1996 (61 FR 39804-10). The proposal solicited additional information and comment on several issues, and the final regulation was adopted July 17, 1997 (62 FR 38406-15).

The second phase of streamlining was inspired by issue papers in which EPA summarized 11 areas in which the Pretreatment Regulations might be streamlined. In May 1996, the issue papers were distributed to a broad base of external stakeholders (States, cities, trade associations, professional organizations, and environmental interest groups), and were also publicly available on an EPA electronic bulletin board (Point Source Information Provision Exchange System or "PIPES") that was accessible through the Agency's Internet website at "<http://www.epa.gov/owm>." Synopses of the outreach effort were published in several trade association newsletters. Thirty-five outside stakeholders provided written comments on the proposed issues. The Agency also considered the recommendations of the joint Water Environment Federation and Association of Metropolitan Sewerage Agencies Workshop (the WEF/AMSA Workshop). The Agency next prepared a draft proposal and preamble, which discussed 13 issues or changes to the regulations. This draft was circulated to outside stakeholders in May 1997. After reviewing comments received from 70 outside stakeholders, the Agency proposed to revise the regulations on July 22, 1999 (64FR39563). These provisions address restrictions on and oversight of industrial users who introduce pollutants into publicly owned treatment works (POTWs), make changes to certain program requirements to be consistent with National Pollutant Discharge Elimination System (NPDES) requirements, and correct some typographical errors. The proposals would reduce the regulatory burden on both industrial users and State and POTW Control Authorities without affecting

environmental protection. The comment period on these proposed revisions ends November 19, 1999. (64 FR 47755)

5.3 EFFECTS OF LESS FREQUENT COLLECTION

EPA considers the reporting requirements associated with the pretreatment program (both the one-time-only and the ongoing monitoring and reporting requirements) to be the absolute minimum necessary for effective administration of the program. EPA also considers the reporting requirements to be the absolute minimum necessary for effective control of hazardous wastes to implement RCRA section 3018(b). Any alternative to the present set of requirements would entail an increase in reporting burden to respondents, rather than a decrease. The Agency has thus endeavored to minimize respondent burden for the program.

In addition, EPA considers that the requirements specific for SIUs and specific for reporting the discharge of RCRA hazardous substances are preferable to repealing the Domestic Sewage Exclusion. Such an action would necessitate regulating POTWs and IUs under RCRA.

5.4 GENERAL GUIDELINES

Only one provision of the pretreatment program requirements exceeds the OMB guidelines contained in 5 CFR 1320.5(d)(2). According to 40 CFR 403.12(f), IUs must notify the POTW immediately of any slug loading by the IU. The report is typically made by telephone. This is an emergency provision that enables the POTW to take timely and appropriate protective action.

5.5 CONFIDENTIALITY AND SENSITIVE QUESTIONS

The following reporting requirements may contain confidential business information, proprietary information, or information containing compromising trade secrets:

- Pretreatment Baseline Monitoring Report,
- IU Compliance Schedule Report,
- POTW and IU Maintenance of Monitoring Records (not an actual submission, though burden is incurred),
- Pretreatment Categorical Determination Request, and
- Pretreatment Fundamentally Different Factors Variance Request.

In such cases, the respondent has the right to request that the information be treated as confidential business information. All data so designated will be handled pursuant to 40 CFR 403.14(a), which provides the following guidelines regarding such information:

In accordance with 40 CFR Part 2, any information submitted to EPA pursuant to these regulations may be claimed as confidential by the submitter. Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions, or, in the case of other submissions, by the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, EPA may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures in 40 CFR Part 2 (Public Information). Industrial effluent data, however, "shall be made available to the public without restriction" [40 CFR 403.14(b)].

Reporting requirements for the pretreatment program do not contain questions of a sensitive nature.

5.6 PUBLIC NOTICE REQUIRED PRIOR TO ICR SUBMISSION TO OMB

The Federal Register notice required under 5 CFR 1320.8(d), soliciting comments on this collection of information, was published on April 12, 1999 (64 FR 17660); no comments were received.

6.0 ESTIMATING THE BURDEN AND COST OF THE COLLECTION

6.1 ESTIMATING RESPONDENT BURDEN

Respondents for the pretreatment program include States, POTWs, and IUs. As shown in Exhibit 5, the number of respondents to this information collection is 29,517. The total burden attributed to States, POTWs and IUs responding to reporting and recordkeeping requirements for the pretreatment program is 1,211,179 hours/year, as summarized in Exhibit 5 below. The burden for each type of respondent is shown in detail in Exhibits 6A through 6D. Exhibit 6E shows the average annual number of responses per respondent for each reporting requirement. In addition, a discussion of data sources and assumptions is provided in Appendix A.

Exhibit 5: Summary of Total Annual Burden to Respondents

Respondent	Number of Respondents	Burden (Person-hours/year)	Average Burden per Respondent (hours/year)
Reporting Burden:			
States	32	55,775	1742.96
POTWs	1,441	581,746	403.71
IUs	28,044	362,261	12.92
Subtotal	29,517	999,783	33.87
Recordkeeping:			
States	32	11,208	350.26
POTWs	1,441	144,100	100.00
IUs	28,044	56,088	2.00
Subtotal	29,517	211,396	7.16
TOTAL	29,517	1,211,179	41.03

Exhibit 6A: Respondent Burden for States

Exhibit 6: Resident and Non-Resident Animal Waste (NARS) (GOTW)

Exhibit 6C: Respondent Burden for Industrial Users (IUs) (Page 2 of 2)

Exhibit 6D: Recordkeeping Burden for IUs, POTWs, and States

Exhibit 6E: Annual Average Responses per Respondent (Page 1 of 4)

Exhibit 6E: Annual Average Responses per Respondent (Page 2 of 4)

Exhibit 6E: Annual Average Responses per Respondent (Page 3 of 4)

Exhibit 6E: Annual Average Responses per Respondent (Page 4 of 4)

6.1.1 States

As respondents, States submit the State Pretreatment Program Approval Requests. After States have obtained approval authority, they may incur burden for nominating POTWs for excellence awards. In addition, States with approved programs must act as Control Authority if the POTWs do not have an approved programs. As Control Authority, States must notify SIUs of their status and all consequent requirements and must issue discharge permits to SIUs.

6.1.2 POTWs

POTWs submit the following types of information as respondents:

- POTW Compliance Schedule Progress Report,
- POTW Program Approval Request,
- POTW Pretreatment Program Modification Requests
- POTW Maintenance of Monitoring Requirements (not an actual submission, though burden is incurred),
- Removal Credit Requests,
- Removal Credit Self-Monitoring Report,
- Annual POTW Reports,
- Issuance of Discharge Permits,
- Updating Index of IUs,
- Inspection and Sampling Effluent of IUs and SIUs,
- Public Notification of Significant Noncompliance,
- SIU Notification, and
- Excellence Award Program.

As shown in Exhibit 6B, the Agency estimates that the total number of hours expended by POTWs as respondents to these reporting requirements is 581,746.

6.1.3 Industrial Users

IUs submit the following types of information as respondents:

- Baseline Monitoring Report,
- IU Compliance Schedule Progress Report,
- IU Compliance Attainment Report,
- IU Compliance Report (Resampling Requirements),
- IU Self-Monitoring Report,
- Pollution Prevention Alternative (PFPR P2 Alternative)
- IU Maintenance of Monitoring Records,
- IU Slug Load Notification,
- Notification of Changed Discharge,
- Bypass Notification,
- Notification of Changed Monitoring Location,
- Prevention and Control Plan for Slug (spills and non-routine batch) Discharges,
- Notification of RCRA Discharge,
- Categorical Determination Request,
- Alternative Limits Request,

- FDF Variance Request, and
- Net/Gross Adjustment Request.

Baseline Monitoring Reports are required of IUs subject to new categorical standards at the time of promulgation, and "new source" CIUs covered by existing categorical standards. Over the three years of this pretreatment ICR, the EPA Office of Science and Technology (OST) has indicated that the following new effluent guidelines are scheduled to become final:

- Metal Products and Machinery (expected to go final in December 2002)
- Pesticide Formulating, Packaging, and Repackaging (final in November 1996)
- Centralized Waste Treatment (expected to go final in August 1999)
- Pharmaceutical Manufacturing (final in September 1998)
- Industrial Laundries (Proposed rule withdrawn by EPA in June 1999)
- Transportation Equipment Cleaning (expected to go final in June 2000).

For the applicable categories, OST provided estimates for the number of indirect facilities that will be affected. BMRs will be required from each of the affected facilities. To calculate annual burden, the total burden for each category is distributed over the three years of the ICR. In addition, the ICR assumes that there will be approximately 300 new source CIUs (2 percent of current CIUs) that will complete BMRs each year.

IU Compliance Schedule reports are required of those facilities out of compliance when the BMR is submitted. The requirements for several of the new effluent guidelines categories have not been finalized; thus, an estimate of the number of non-compliant indirect dischargers was developed. For the burden estimate, the ICR assumes that 25 percent of the facilities required to complete BMRs will require a compliance schedule.

All IUs submitting Baseline Monitoring Reports must submit Compliance Attainment reports within 90 days following the date for final compliance with the standard. Therefore, the universe for this requirement is the same as for Baseline Monitoring Reports.

The number of IUs performing Self-Monitoring reports and the number of IUs submitting Certifications, Notifications, Categorical Determinations, Alternative Limits, FDF Variances, and Net/Gross Requests is based on current agency estimates. See Appendix A for a discussion of data sources and assumptions.

As shown in Exhibit 6C, the total number of respondent reporting hours for IUs is 362,261.

6.1.4 Record Keeping

In addition to reporting requirements, the pretreatment regulations require IUs, POTWs, and Approval Authorities to maintain records for a minimum of three (3) of years. IUs must also maintain records for any monitoring they conduct. POTWs must also maintain records of any monitoring records they receive. Lastly, Approval Authorities must maintain records of any pretreatment program information they receive from POTWs. The burden associated with these recordkeeping requirements is shown in Exhibit 6D.

As shown in Exhibit 6D, States have 11,208 recordkeeping hours, POTWs have 144,100, and IUs have 56,088, for a total recordkeeping burden of 211,396 hours.

6.2 ESTIMATING RESPONDENT COST

Exhibit 7 summarizes the costs to respondents. Sections 6.2.1, 6.2.2, and 6.2.3 describe in greater detail how these costs were determined, including the labor rates for the different types of employees.

Exhibit 7: Summary of Total Annual Cost to Respondents

Respondent	Cost
State	\$1,928,446
POTWs	\$30,236,896
IUs	\$42,007,472
TOTAL	\$74,172,814

The following assumptions are used to calculate the total cost to States, POTWs, and IUs acting as respondents:

- Previous ICRs estimated the average salary of a State employee to be equivalent to the average Federal government employee at a GS 9, Step 10. However following a link from EPA's ICR page on the Internet (<http://www.epa.gov/opperid1/front.htm> → <http://www.epa.gov/opperid1/links.htm> → <http://stats.bls.gov/news.release/ecec.toc.htm>), this ICR estimated the State employee rate based on the wages and salaries value for State and local government workers as noted in "Table 3. State and local government, by selected characteristics" of the United States Department of Labor, Bureau of Labor Statistics (<http://stats.bls.gov/news.release/ecec.t03.htm>). Like previous ICRs, 50% overhead costs add an additional 50% cost to the average State rate.
- Previous ICRs estimated the average salary of a POTW employee to be equivalent to a GS 7, Step 1. However, following a link from EPA's ICR page on the Internet (<http://www.epa.gov/opperid1/front.htm> → <http://www.epa.gov/opperid1/links.htm> → <http://stats.bls.gov/news.release/ecec.toc.htm>), this ICR estimated the POTW employee value based on the wages and salaries value for State and local government workers as noted in "Table 3. State and local government, by selected characteristics" of the United States Department of Labor, Bureau of Labor Statistics (<http://stats.bls.gov/news.release/ecec.t03.htm>). Like previous ICRs, 50% overhead costs add an additional 50% cost to the average POTW rate.
- Previous ICRs estimated the hourly rate assuming private sector employees receive an average salary that is 14% higher than the average annual salary for a GS 9, Step 10. However, following a link from EPA's ICR page on the Internet (<http://www.epa.gov/opperid1/front.htm> → <http://www.epa.gov/opperid1/links.htm> → <http://stats.bls.gov/news.release/ecec.toc.htm>), this ICR estimates the private industry value based on the wages and salaries value for all workers in private industry as noted in

“Table 5. Private Industry, by major industry group” of the United States Department of Labor, Bureau of Labor Statistics (<http://stats.bls.gov/news.release/ecec.t05.htm>). Consistent with previous ICRs, it is assumed that overhead and fringe costs for private sector employees are equal to 100% of the average private sector salary.

In addition to burden hours, States, POTWs, and IUs incur costs due to sample analysis. Exhibits 8A through 8E provide estimates of the analytical costs to each category of respondent. The costs are developed based on the numbers of IUs that are regulated for various pollutant fractions. The percentages indicated in Exhibit 8A were developed based on estimates provided by EPA Regions. Pretreatment Authorities must monitor all SIUs once per year for all regulated pollutants; therefore, the number of SIUs required to sample for a given fraction are distributed to States and POTWs in Exhibits 8B and 8C based on the percentages of SIUs that they regulate (6.21 percent and 93.79 percent, respectively).

All SIUs are required to monitor their discharges twice per year for all regulated pollutants. In addition, where monitoring indicates a violation, the SIU must resample its effluent. Exhibit 8D provides the calculation of SIU sampling costs.

Appendix A provides further discussion of the basis for the analytical cost calculations, and the procedure for converting some of these costs to respondent burden hours.

Exhibit 8A: SIU Sampling Frequency Matrix

Exhibit 8B: Analytical Costs For States

Exhibit 8C: Analytical Costs For POTWs

Exhibit 8D: Analytical Costs For SIUs

Exhibit 8E: Analytical Costs For CIUs in Proposed ELGs*

6.3 ESTIMATING GOVERNMENT BURDEN AND COST

6.3.1 *Burden to the Government*

Exhibits 9A, 9B, and 9C provide detailed information about the burden to the Federal, State, and municipal governments as users of the information. Total burden to the EPA Regions is 14,679 hours/year. The burden to approved Pretreatment States is 43,910 hours/year. The total burden to municipal governments (POTWs acting as users of the data for administration of the pretreatment program) is 91,928 hours/year. Total government burden (excluding Federal Government burden), then, is 43,910 plus 91,928 or 135,839 hours.

6.3.2 *Cost to the Federal And State Governments*

Cost to Federal and State Governments includes those costs incurred by EPA Regions and Approved Pretreatment States (when the latter function as users of the data) to process, analyze and maintain the information collected. EPA Regions, in their role as Oversight Authority, are users of the following types of information:

- State Program Approval Request,
- Categorical Determination Request,
- FDF Variance Request, and
- Net/Gross Adjustment Request.

Approved Pretreatment States (or EPA Regions in non-approved States), in their role as Approval Authority, are users of the following types of information:

- POTW Compliance Schedule Progress Reports,
- POTW Program Approval Requests,
- Annual POTW Reports, including update of SIU List and inspection and sampling of IU and SIU effluents,
- POTW Program Modifications,
- POTW Enforcement Response Plans,
- Removal Credit Approval Requests, and
- Removal Credit Self-Monitoring Reports.

In cases where the POTW does not have an approved pretreatment program (e.g., SIUs in 403.10(e) States, and SIUs in non-pretreatment cities), the Approval Authority acts as the Control Authority. Based on Agency data, this occurs primarily where States are the Approval Authority. States, therefore, incur a burden as users of the following types of information:

- Baseline Monitoring Reports,
- IU Compliance Schedule Progress Reports,
- IU Compliance Attainment Reports,
- IU Compliance Reports (Resampling Requirements),
- IU and SIU Self-Monitoring Reports,
- Pollution Prevention Alternative
- Slug Load Notification,
- Notifications of Changed Discharge,
- Prevention and Control Plans for Spills and Batch Discharges
- Notifications of RCRA Discharge, and

- Alternative Limits Requests.

Exhibit 9A: Labor Hours for State Governments as Users of the Data (Page 1 of 3)

Exhibit 9A: Labor Hours for State Governments as Users of the Data (Page 2 of 3)

Exhibit 9A: Labor Hours for State Governments as Users of the Data (Page 3 of 3)

Exhibit 9B: Labor Hours for Publicly Owned Treatment Works as Users of the Data (Page 1 of 2)

Exhibit 9B: Labor Hours for Publicly Owned Treatment Works as Users of the Data (Page 2 of 2)

Exhibit 9C: Labor Hours for the Federal Government as User of the Data

Based on information provided by EPA Regions, approximately 6.21 percent of all IU reports are submitted directly to Approved States acting as the Control Authority. Data also indicate that States act as Approval Authorities for 66.15 percent of all POTW programs. Exhibit 9A outlines the hours per response, number of responses per year, and total number of hours per year expended by Approved States for review of reports generated by both POTWs and SIUs. (These estimates are based on the Agency's past administration of the Pretreatment Program, together with assumptions for administration of the Pretreatment Program over the next 3 years.) The total number of hours expended annually by Approved Pretreatment States as users of the data is estimated to be 43,910. Based on an average of \$28.79/person-hour for a Federal or State employee, the total cost to Approved States for administration of the program equals 43,910 person-hours times \$28.79/person-hour, or \$1,264,168.

EPA is the Federal Oversight Authority for States that act as Approval Authorities. In addition, where States are not approved to administer the Pretreatment Program, EPA Regions act as the Approval Authority for POTWs. Data indicate that 33.8 percent of the 1,441 programs have EPA as the Approval Authority. Table 9C outlines the hours per response, number of responses per year, and the total number of hours per year expended by the Federal Government (EPA) for review of State and POTW reports. The total number of hours expended annually by EPA as user of the data is 14,679. Based on an average salary of \$28.79/person-hour for a State or Federal employee, the total cost to EPA equals 14,679 person-hours times \$28.79/person-hour, or \$422,608.

6.3.3 Cost to Municipal Governments as Users of the Data

Approved POTWs, when they function in their role as Control Authority, are users of the following types of information:

- Baseline Monitoring Reports,
- IU Compliance Schedule Progress Reports,
- IU Compliance Attainment Reports,
- IU Compliance Reports (Resampling Requirements),
- IU and SIU Self-Monitoring Reports,
- Pollution Prevention Alternative
- IU Slug Load Notification Reports,
- Notifications of Changed Discharge,
- Prevention and Control Plans for Spills and Batch Discharges
- Notifications of RCRA Discharge, and
- Alternative Limits Requests.

Based on information provided by EPA Regions, approximately 93.79 percent of all IU submissions go to POTWs with approved pretreatment programs, with the remainder submitted to EPA Regions or Approved States. Exhibit 9B outlines the hours per response, number of responses per year, and total number of hours per year expended by POTWs for review of each of these reports. (These are Agency estimates based on past administration of the pretreatment program, together with assumptions for administration of the pretreatment program over the next 3 years.) The total number of hours expended annually by POTWs as users of the data is estimated to be 91,928. Based on an average of \$28.79/person-hour, the total cost to POTWs acting as users of the data for administration of the pretreatment program is equal to 91,928 person-hours times \$28.79/person-hour, or \$2,646,607. Total cost to State and local governments for review of reporting requirements under the pretreatment program equals \$1,264,168 plus \$2,646,607 or \$3,910,775.

6.4 TOTAL BURDEN HOURS AND COSTS

Exhibit 10 presents the figures for total annual burden and costs to respondents and government users of the data. This exhibit summarizes the burden and cost calculations in Exhibits 5 through 7 and in sections 6.1 through 6.3.

Exhibit 10: Master Table of Annual Burden and Cost to Respondents and Governments

	Annual Burden Hrs	Annual Costs
Respondent reporting burden	999,783	\$68,190,472
Respondent recordkeeping burden	211,396	\$5,982,341
Government burden (Users of the Data) State and Municipal	135,839	\$3,910,775
Total	1,347,018	79,083,588

Note: Federal Government incurs a burden of 14,679 hours as user of the data (see Table 9C).

Analytical costs incurred by Municipal Governments, SIUs, and CIUs in proposed effluent guidelines total \$40,076,913 (see Exhibits 8C, 8D, and 8E).

6.5 REASONS FOR CHANGE IN BURDEN

Exhibits 6A through 6D and 9A through 9B compare new and previous respondent burden for pretreatment reporting and recordkeeping burden. The previous ICR for the Pretreatment Program estimated a total annual burden of 1,765,156 hours. The new reporting and recordkeeping burden estimate for these requirements is 1,347,018.

The primary reason for the reduction in burden is the more accurate characterization of facilities affected by new Effluent Guidelines. For example 1,700 industrial laundries were eliminated from this ICR because the proposed rule was withdrawn by EPA in June 1999. In addition, the Metal Products & Machinery (MP&M) Effluent Guidelines regulations are not expected to be promulgated within the term of this ICR and therefore these facilities were removed. Deadlines for submissions of certain reports are past for facilities subject to the Pesticide Formulating, Packaging, and Repackaging, and Pharmaceutical Manufacturing regulations; associated burden for these facilities were also adjusted accordingly."

6.6 BURDEN STATEMENT

The annual public reporting and recordkeeping burden for this collection of information is estimated to average 6.538 hours per response and to require 7.16 hours per respondent for recordkeeping. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review

the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the Director, OPPE Regulatory Information Division, U.S. Environmental Protection Agency (2137), 401 M St., S.W., Washington, D.C. 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, DC 20503, Attention: Desk Officer for EPA. Include the OMB control number in any correspondence.

APPENDIX A

Basis of Assumptions Used in the Pretreatment ICR

Appendix A - Basis of Assumptions Used in Pretreatment ICR

Table A-1 provides a list of the key data input variables used to determine burden hours and costs for the pretreatment ICR. This appendix provides a description of the source of these data elements. In addition, the ICR relied on several assumptions regarding the relative percentages of respondents performing various tasks. The appendix also summarizes these key assumptions.

Table A-1 Data and Assumptions Used in Pretreatment ICR

Pretreatment Program Data	1996 ICR	1999 ICR
1. Total Number of SIUs	31,962	28,044
2. Number of CIUs	14,928	13,231
3. Number of noncategorical-SIUs	17,034	14,813
4. Number of State Run POTW Pretreatment Program in 40 CFR §403.10(e) States	112	95
5. Total Number of Approved Programs	1,535	1,441
6. Number of 40 CFR §403.10(e) States	5	5
7. Number of States eligible for Excellence Awards submissions	24	27
8. Number of States with approved Pretreatment Programs	29	32
9. Number of SIUs with POTWs as Control Authority	29,797	26,301
10. Percentage of SIUs with POTWs as Control Authority	93.2%	93.79%
11. Number of SIUs with State/EPA as Control Authority	2,165	1,743
12. Percentage of SIUs with State/EPA as Control Authority	6.8%	6.21%
13. Percentage of SIUs Resampling (for violations)	10%	10%
14. Hourly Rate for Federal employees (50% Overhead (OH))	28.79	29.15
15. Hourly Rate for State employees (50% OH)	28.79	28.79
16. Hourly Rate for POTW employees (50% OH)	18.10	28.79
17. Hourly Rate for Private Industry employees (100% OH)	43.76	26.94
18. Number of New Source CIUs	299	265
19. Number of Pesticide Formulating, Packaging, and Repackaging Facilities	1500	1526
20. Number of MP&M Facilities (Phase I & II)	Phase 1: 2,000	0
21. Number of CWT Facilities	56	144
22. Number of Industrial Laundries	1,700	0
23. Number of Pharmaceutical Manufacturers	286	270
24. Number of Transportation Equipment Cleaning	1,800	350
25. Number of POTWs with EPA as Approval Authority	567	488
26. Percentage of POTWs with EPA as Approval Authority	36.9%	33.85%
27. Number of POTWs with State as Approval Authority	968	953
28. Percentage of POTWs with State as Approval Authority	63.1%	66.15%

29. Number of POTWs projected to develop a pretreatment program during the life of this ICR	-	30
---	---	----

ICR Input Data

1. **Total Number of Significant Industrial Users (SIU)** - Data collected from a Permit Compliance System (PCS) query conducted 2/99, as amended by Regional EPA personnel.
2. **Number of Categorical Industrial Users (CIU)** - Data collected from a PCS query conducted 2/99, as amended by Regional EPA personnel.
3. **Number of Non-Categorical SIUs** - The mathematical difference between 1. and 2. above.
4. **Number of State Run POTW Pretreatment Program in 40 CFR §403.10(e) States** - This number was estimated by dividing the total number of SIUs regulated by States/EPA by the average number of SIUs per approved pretreatment program. This assumption was carried over from the previous ICR.
5. **Total Number of Approved Programs** - Data collected from a PCS query conducted 2/99, as amended by Regional EPA personnel.
6. **Number of 40 CFR §403.10(e) States** - Five; Alabama, Connecticut, Mississippi, Nebraska, and Vermont.
7. **Number of States eligible for Excellence Award submissions** - Total number of approved delegated state pretreatment programs (32) minus the five 40 CFR §403.10(e) states. Since these five states cannot nominate themselves, they are not eligible for Excellence Award submission.
8. **Number of States with Approved Pretreatment Programs** - Currently at 32, per EPA Headquarters.
9. **Number of SIUs with POTWs as Control Authority** - Data collected from a PCS query conducted 2/99, as amended by Regional EPA personnel.
10. **Percentage of SIUs with POTWs as Control Authority** - Percentage calculated from data collected from a PCS query conducted 2/99, as amended by Regional EPA personnel.
11. **Number of SIUs with State/EPA as Control Authority** - Data collected from a PCS query conducted 2/99, as amended by Regional EPA personnel. Includes SIUs in 40 CFR §403.10(e) States as well as SIUs regulated by States/EPA in non-pretreatment cities.

Note: Based on Regional data, the vast majority of SIUs regulated directly by Approval Authorities are in Approved States as opposed to EPA Regions. Therefore, the entire burden for SIUs in non-pretreatment POTWs is attributed to States. This assumption was carried over from the previous ICR.

12. **Percentage of SIUs with State/EPA as Control Authority** - Includes SIUs in 40 CFR §403.10(e) States as well as SIUs regulated by States/EPA in non-pretreatment cities. Data collected from a PCS query conducted 2/99, as amended by Regional EPA personnel.

13. **Percentage of SIUs Resampling** - The previous ICR assumed that 10% of all SIUs would identify violations and hence resample. This assumption remains unchanged.
14. **Hourly Rate for Federal Employees** - Consistent with previous ICRs, the hourly rate was based on the average hourly rate for a GS 9, Step 10. The rate was obtained from the U.S. Office of Personnel Management (OPM), and is based on rates effective January 1999. A 50% overhead burden has been added to the rate.
15. **Hourly Rate for State Employees** - Previous ICRs estimated this rate like that for Federal employees. Following a link from EPA's ICR page on the Internet (<http://www.epa.gov/opperid1/front.htm> → <http://www.epa.gov/opperid1/links.htm> → <http://stats.bls.gov/news.release/ecec.toc.htm>), this ICR's estimated rate is based on the wages and salaries value for State and local government workers as noted in Table 3. "State and local government, by selected characteristics" of the United States Department of Labor, Bureau of Labor Statistics (<http://stats.bls.gov/news.release/ecec.t03.htm>). Like previous ICRs, 50% overhead has been added to this value to estimate the hourly rate.
16. **Hourly Rate for POTW Employees** - Previous ICRs estimated this hourly rate based on the average annual salary for a GS 7, Step 1 and a 50% overhead burden. Following a link from EPA's ICR page on the Internet (<http://www.epa.gov/opperid1/front.htm> → <http://www.epa.gov/opperid1/links.htm> → <http://stats.bls.gov/news.release/ecec.toc.htm>), this ICR's estimated value is based on the wages and salaries value for State and local government workers as noted in Table 3. "State and local government, by selected characteristics" of the United States Department of Labor, Bureau of Labor Statistics (<http://stats.bls.gov/news.release/ecec.t03.htm>). Like previous ICRs, 50% overhead has been added to this value to estimate the hourly rate.
17. **Hourly Rate for Private Sector Employees** - Previous ICRs estimated the hourly rate assuming private sector employees receive an average salary that is 14% higher than the average annual salary for a GS 9, Step 10. Following a link from EPA's ICR page on the Internet (<http://www.epa.gov/opperid1/front.htm> → <http://www.epa.gov/opperid1/links.htm> → <http://stats.bls.gov/news.release/ecec.toc.htm>), this ICR's estimated value is based on the wages and salaries value for all workers in private industry as noted in Table 5. "Private Industry, by major industry group" of the United States Department of Labor, Bureau of Labor Statistics (<http://stats.bls.gov/news.release/ecec.t05.htm>). Consistent with previous ICRs, a 100% overhead has been added to the wage value. Being that the regulations apply to many small facilities, e.g., job shop metal finisher, it is reasonable to assume this hourly rate represents most SIUs.
18. **Number of New Source CIUs** - Assumed a gross increase of 2% of total CIUs will begin operation each year. This assumption is unchanged from the previous ICR.
- 19-24. **Number of New Effluent Limit Guideline (ELG) Facilities** - Estimates of the numbers of indirect dischargers in each of the ELG categories that are scheduled to go final during the three years of this ICR were obtained directly from EPA Office of Science and Technology contacts for the respective categories. Since the previous ICR, two rules have gone final; Pesticide Formulation, Packaging, and Repackaging (PFPR) and Pharmaceutical Manufacturing. In addition, Phases I and II of the Metal Products and Machinery proposed rule have been combined and it is anticipated to go final in December 2002 (i.e., after the term of this ICR). Also, the Industrial Laundry proposed rule was withdrawn by EPA in June 1999. Therefore, for this ICR, there is no burden associated with these two ELG categories.

- 25-26. **Number and Percentage of POTWs with EPA as Approval Authority** - Data collected from a PCS query conducted 2/99, as amended by Regional EPA personnel.
- 27-28. **Number and Percentage of POTWs with State as Approval Authority** - Data collected from a PCS query conducted 2/99, as amended by Regional EPA personnel.
29. **Number of POTWs projected to develop a Pretreatment Program during the life of this ICR** - Data collected from consultation with Regional EPA personnel.

Burden Hour and Respondent Assumptions

Exhibit 6A: Respondent Burden for States

- State Pretreatment Program Approval Request - Pursuant to consultation with the National Pretreatment Coordinator, over the life of this revised ICR, it is projected that six states (ME, MA, PA, CO, IL, and IN) may seek pretreatment program authority, with two states making such an approval request each year.
- Issuance of SIU Discharge Permits - Assumes all approved pretreatment states (32) issue some permits to SIUs. As such, the number of responses per year is calculated based on 6.21% of the total SIUs receiving a permit once every five years. This assumption was carried over from the previous ICR.
- Inspection and Sampling of SIUs -
 - Inspection - Assumes all pretreatment States perform oversight of some SIUs. Assumes 8 hour burden to perform one inspection per year for 6.21% of all SIUs. This includes the time necessary to collect an effluent sample.
 - Sampling and Analysis - Assumes all pretreatment States perform oversight of some SIUs, and that all analyses performed by States are performed at in-house laboratories. Burden is calculated based on total analytical costs for States in Exhibit 8B. It is assumed that all of the analytical costs for States are attributed to in-house laboratories; thus, analytical costs are converted to burden hours based on the average hourly salary of a State employee. This assumption was carried over from the previous ICR.
- Evaluation of SIUs for Slug Control Plan (SCP) - Assumes all pretreatment States perform oversight of some SIUs. Assumes 0.5 hour burden to assess whether an SIU needs an SCP once every two years for 6.21% of all SIUs.
- Public Notification of Significant Noncompliance - Assumes that only 40 CFR §403.10(e) States will be required to publish SNC for their POTWs. It is assumed that 1/3 of the POTWs for these States (i.e., 95 total) will have SIUs in SNC in a given year. This assumption was carried over from the previous ICR.
- Evaluation of the Need to Revise Local Limits - Assumes that only 40 CFR §403.10(e) States will be required to develop local limits for their POTWs. Assumes that the State will develop local limits for each of the POTWs for which the State has assumed Control Authority responsibility (i.e., 95 total) once every five years. This assumption was carried over from the previous ICR.

- Excellence Award Program Information - Assumes that 40 POTWs per year will submit pretreatment excellence awards packages. Assumes that all 32 pretreatment States minus the five 40 CFR 403.10(e) States that are not eligible (27 States total), will receive, on average, 1.5 (i.e., 40 packages/27 States) excellence awards packages per State from pretreatment POTWs. The previous ICR miscalculated the average excellence award packages per State. The basic assumptions have been carried over from the previous ICR.

Exhibit 6B: Respondent Burden for Publicly Owned Treatment Works

- POTW Pretreatment Compliance Schedule Reports - Assumes that 65 POTWs per year will be under pretreatment related compliance schedules. The schedules are anticipated to require 3 reports (responses) per year. These assumptions are carried over from the previous ICR.
- POTW Pretreatment Program Approval Requests - The number of respondents is based on information provided by EPA Regions regarding the total number of new programs (i.e., 30) that they anticipate over the next three years. This burden has been spread evenly over the three year ICR.
- Annual Pretreatment Program Reports - Assumes one report per year per program. This assumption was carried over from the previous ICR.
- POTW Program Modifications Approval Request - Assumes 20% of approved programs will request program modifications of some type each year. This assumption was carried over from the previous ICR.
- Issuance of Discharge Permits - Assumes that all Control Authority POTWs will issue permits to 1/5 of all SIUs that are regulated by POTWs (93.79% of all SIUs).
- Inspection and Sampling of SIUs
 - Inspection - Assumes 8 hour burden to perform one inspection per year for 93.79% of all SIUs. This includes the time necessary to collect an effluent sample. This assumption was carried over from the previous ICR.
 - Sampling and Analysis - Assumes that analysis required of POTWs are performed both in-house and contracted out. Based on information provided by EPA Regional pretreatment coordinators, approximately 90% of POTWs conduct in-house analyses for conventional pollutants, 90% conduct in-house analyses for non-conventional pollutants, 25% conduct in-house sampling for metals, and 10% conduct in-house analyses for toxic organics. Burden is calculated based on "in-house" analytical costs for POTWs in Exhibit 8C. The analytical costs are converted to burden hours based on the hourly salary of a POTW employee.
- Evaluation of SIUs for SCP - Assumes 0.5 hour burden to assess whether an SIU needs an SCP once every two years for 93.79% of all SIUs. This assumption was carried over from the previous ICR.
- Public Notification of Significant Noncompliance - Assumes 3.0 hour burden and that 1/3 of the POTWs with pretreatment programs will have SIUs in SNC in a given year.
- Evaluation of the Need to Revise Local Limits - Assumes that all pretreatment programs will reevaluate the need to develop local limits once every five years. This assumption was carried

over from the previous ICR.

- Excellence Award Program Information - Assumes that 40 POTWs per year will submit pretreatment excellence awards packages. This is a voluntary activity. This assumptions was carried over from the previous ICR.
- Removal Credit Approval Requests - The number of respondents is based on estimates provided by EPA Regions.
- Removal Credit Self-Monitoring Reports - The number of respondents is based on the number of POTWs with approved removal credit variances as reported by EPA Regions.

Exhibit 6C: Respondent Burden for Industrial Users (IUs)

- Baseline Monitoring Reports - For New Sources (pre-existing categorical industries), assumes a 2% annual gross growth of CIUs. This assumption was carried over from the previous ICR. For ELG categories, respondents are based on number of indirect dischargers in each of the categories expected to go final during the 3 year ICR. The burden for each category is annualized over the three year ICR. Two categories, Pharmaceutical Manufacturing and PFPR, have been promulgated since the last ICR. The deadlines for submission of BMRs for these categories have passed. The number of indirect dischargers in each of the categories is consistent with EAD's evaluation. Since the last ICR, MP&M Phases I and II were combined and it is anticipated that the rule will go final in December 2002 (i.e., not within the term of this ICR). Also, EPA withdrew the proposed rule for Industrial Laundries in June 1999. Therefore, for this ICR there is no burden associated with these ELG categories.
- IU Compliance Schedule Reports - For New Sources, assumes a 2% annual gross growth of CIUs. For ELG categories, respondents are based on number of indirect dischargers in each of the categories expected to go final during the 3 year ICR. Estimates for how many facilities would need to go on compliance schedules were provided by EAD. Based on the previous ICR, assumes that 25% of facilities will require compliance schedules.
- IU Compliance Attainment Reports - Existing CIUs must complete a "Final Compliance Report" within 90 days following the date for final compliance with a categorical pretreatment standard. New source CIUs must provide such a report within 90 days of commencement of the categorically regulated discharge to the POTW. The burden for new sources and each category is annualized over the three year ICR.
- IU Compliance Reports (Resampling requirements) - Assumes 10% of all SIUs will determine violations and be required to resample their effluent. Assumes 4 hours labor to collect samples and 1 hour labor to complete report. All analytical costs are assumed to be contracted out (see Exhibit 8D). This assumption was carried over from the previous ICR.
- IU Self-Monitoring Report -
 - Categorical SIUs
 - ▶ Sampling - Assumes all CIUs will require 4 labor hours to collect effluent samples twice per year. This assumption was carried over from the previous ICR.
 - ▶ Reporting - Assumes all CIUs will require 1 labor hour to complete report twice per year. This assumption was carried over from the previous ICR.

- Non-Categorical SIUs

- ▶ Sampling - Assumes all NC-SIUs will require 4 labor hours to collect effluent samples twice per year. This assumption was carried over from the previous ICR.
- ▶ Reporting - Assumes all NC-SIUs will require 1 labor hour to complete report twice per year. This assumption was carried over from the previous ICR.

NOTE: All SIU analyses are assumed to be contracted out (see Exhibit 8D). This assumption is based on information provided by EPA Regional Pretreatment Coordinators.

- PFPR P2 Alternatives - Based on EPA's development document, there are 425 indirect PFPR dischargers and 1101 PFPR facilities that are categorized as zero dischargers. The previous ICR assumed that 10% (150) of all of the PFPR facilities completed the P2 alternative prior to the regulatory deadline (i.e., during the period covered by the 1996 ICR). It is assumed for this ICR that the remaining facilities (90%) will prepare and submit either an initial certification for zero discharge or for the P2 alternative. For periodic reports, it is assumed that 50% of the indirect dischargers will choose the P2 alternative and will prepare the periodic certifications. For the modifications, it is assumed that 10% of the facilities that are implementing a P2 alternative plan will submit modifications.
- IU Slug Load Notification (Categorical) - Assumes 100 respondents per year will be required to provide a slug load notification. This assumption was carried over from the previous ICR.
- IU Slug Load Notification (Non-Categorical) - Assumes 450 respondents per year will be required to provide a slug load notification. It assumed that the average burden per response is .25 hours. This assumption was carried over from the previous ICR.
- Notification of Changed Discharge - Assumes 1,000 SIUs per year will provide notification of a changed discharge. This assumption was carried over from the previous ICR.
- Bypass Notification - Assumes 1,427 SIUs per year will report bypasses. This assumption was carried over from the previous ICR.
- Notification of Changed Monitoring Location - Assumes 50 SIUs per year will provide notification of a changed monitoring location. This assumption was carried over from the previous ICR.
- Prevention and Control Plan for Spills and Batch Discharges - Assumes that 10 percent of all new SIUs will be required to develop a slug control plan. Number of "new" SIUs is based on an assumption of a 2 percent growth rate of existing SIUs, plus all facilities that will be covered under new categorical standards. This assumption was carried over from the previous ICR.
- Categorical Determination Request - Assumes that 33 formal categorical determination requests are generated each year. This is based on historical data provided by EPA Regional Pretreatment Coordinators.
- Alternative Limits Requests - Assumes that 10 percent of all new CIUs will perform/request alternative limits (i.e., use the combined wastestream formula). This assumption was carried over from the previous ICR.

- Fundamentally Different Factors Variance Request - Assumes that 3 FDF requests are received each year. This is based on information provided by the EPA Regional Pretreatment Coordinators.
- Net/Gross Adjustment Request - Assumes 2 net/gross adjustment requests are received each year. This is based on information provided by EPA Regional Pretreatment Coordinators.

Exhibit 6D: Record keeping Burden for IUs, POTWs, and States

- IU Maintenance of Monitoring Records - Assumes that all SIUs must maintain records. Assumes 2 hours per year to maintain pretreatment records.
- POTW Maintenance of Monitoring Records - Assumes that all Pretreatment POTWs spend 100 hours per year to maintain SIU monitoring records. This assumption was carried over from previous ICR.
- Approval Authority Maintenance of Pretreatment Program Information - Assumes each of the 32 Pretreatment States spend 50 hours per year maintaining records from POTW pretreatment programs as the Approval Authority. Additionally, States act as Control Authorities for 6.21% of SIUs. An additional burden of 5 hours per year per SIU is included for States acting as Control Authorities. This assumption was carried over from the previous ICR.

Exhibit 6E: Annual Average Responses per Respondent

Each of the activities identified in Exhibit 6E corresponds directly to an activity in Exhibits 6A, 6B, or 6C. The cell references in the Exhibit 6E spreadsheet link to the corresponding cell in the appropriate exhibit.

Exhibit 7: Summary of Total Annual Costs to Respondents

Exhibit 7 calculates the total annual cost to each of the respondent categories.

- State Cost - The State cost is calculated by multiplying the total State hourly burden for reporting (Exhibit 6A) and record keeping (Exhibit 6E) times the hourly rate for State employees. (Note: all analytical costs for States are assumed to be performed in-house and have been converted to burden hours in Exhibit 6A. This assumption was carried over from the previous ICR.)
- POTW Cost - The POTW cost is calculated by multiplying the total POTW hourly burden for reporting (Exhibit 6B) and record keeping (Exhibit 6E) times the hourly rate for POTW employees, and adding the contracted analytical costs from Exhibit 8C. (Note: analytical costs for POTWs that were assumed to be performed in-house in Exhibit 8C have been converted to burden hours in Exhibit 6B. This assumption was carried over from the previous ICR.)
- IU Cost - The IU cost is calculated by multiplying the total IU hourly burden for reporting (Exhibit 6C) and record keeping (Exhibit 6E) times the hourly rate for private sector employees, and adding the contracted analytical costs from Exhibit 8D. (Note: all analytical costs for IUs were assumed to be contracted out; thus, no burden hours were calculated.)

Exhibit 8A: SIU Sampling Frequency Matrix

Exhibit 8A calculates the total number of SIUs performing monitoring for various pollutant fractions. The pretreatment regulations [40 CFR Part 403] require POTWs and SIUs to monitor at minimum frequencies

for all pollutants for which the SIU is regulated in its discharge permit. Previously, each of the ten EPA Regional Pretreatment Coordinators provided estimates regarding the percentages of categorical and non-categorical SIUs required to monitor for each pollutant fraction and these estimates were used as the basis of the calculations. The percentages of categorical and non-categorical SIUs sampling were multiplied by the total number of SIUs regulated by the pretreatment program to determine the sampling costs. These previous estimates have remained unchanged.

Exhibit 8B: Analytical Costs for States

Based on the data provided by EPA Regions, States are the Control Authorities for 6.21% of all SIUs as shown in Table B-1. Where the State is the Control Authority it is required to monitor each of its SIUs once per year for all regulated pollutants. Exhibit 8B calculates this cost by multiplying the total number of SIUs required to sample for a pollutant fraction by 6.21% and then by the cost per analysis. The subtotals for the fractions are summed to obtain the total analytical costs to States. Since States are assumed to perform the majority of analytical work in-house, the total cost is converted to burden hours, based on the State labor rate, and transferred to Exhibit 6A.

Exhibit 8C: Analytical Costs for POTWs

Based on the data provided by EPA Regions, POTWs are the Control Authorities for 93.79% of all SIUs as shown in Table B-1. Where the POTW is the Control Authority it is required to monitor each of its SIUs once per year for all regulated pollutants. Exhibit 8C calculates this cost by multiplying the total number of SIUs required to sample for a pollutant fraction by 93.79% and then by the cost per analysis. The subtotals for the fractions are summed to obtain the total analytical costs to POTWs.

Based on estimates provided by the 10 EPA Regional Pretreatment Coordinators, POTWs were determined to perform some analytical work in-house and some contracted out. Regional estimates indicated that approximately 90% of POTWs performed in-house analyses for conventional pollutants, 90% performed in-house analyses for non-conventional pollutants, 25% performed in-house analyses for metals, and 10% performed in-house analyses for toxic organic compounds. These percentages were applied to the pollutant fraction subtotals in Exhibit 8C to determine total in-house versus contract analytical costs. The total in-house cost was then converted to burden hours, based on the POTW labor rate, and transferred to Exhibit 6B. Contract analytical costs were incorporated directly to Exhibit 7.

Exhibit 8D: Analytical Costs for SIUs

The pretreatment regulations require all SIUs to self-monitor at least twice per year for all regulated pollutants. In addition where the SIU determines that the result violates an applicable pretreatment standard, it must resample its effluent. Exhibit 8D calculates the analytical cost to SIUs by multiplying the total number of SIUs required to sample for each pollutant fraction by 2 (twice per year). The spreadsheet then takes the subtotal and adds 10% of the IUs required to resample for each pollutant, and multiplies the total by the cost per analysis. Based on information provided by EPA Regions, it was assumed that all SIU analytical activities are performed by contract laboratories; thus, no burden hours were calculated. This assumption was carried over from the previous ICR. The total annual analytical cost was incorporated into Exhibit 7.

Exhibit 8E: Analytical Costs for CIUs in Proposed ELGs

The requirements to complete BMRs and Final Compliance Reports include a sampling component. Exhibit 8E calculates the annual analytical cost for each of the facilities required to complete BMRs and Final Compliance Reports. The cost is calculated by taking the total number of indirect dischargers that will be covered by the new effluent guideline and multiplying the number of facilities by the cost to

perform analyses for the pollutants regulated in the planned guideline. For new source categorical users, and for IUs in the planned effluent guidelines that have not yet determined which pollutants to regulate, an average analytical cost was used. This average is based on the average analytical cost per sampling event for current CIUs. The total cost for all BMR/Final Compliance Report analyses is distributed over the three years of the ICR. All SIU analyses are assumed to be contracted out; thus, no hour burden is calculated. This assumption was carried over from the previous ICR. The annual analytical cost were incorporated into Exhibit 7.

Exhibit 9A: Labor Hours for State Government as Users of the Data

Most of the respondent activities described in Exhibits 6B and 6C, generate reports, information, or data, that must be received, reviewed, and stored by an oversight authority. Exhibit 9A calculates the burden to State Agencies as users of these data. Where States are the Approval Authority (i.e., 66.15 percent of POTWs), reports generated by pretreatment POTWs go to States for review. Therefore, the associated “review” burden for the activities described on Exhibit 6B for which reports or data are submitted to States (as Approval Authorities), has been apportioned accordingly.” The numbers of respondents and responses are linked directly to the corresponding item on Exhibit 6B.

In addition to Approval Authority activities, States are the Control Authorities for approximately 6.21 percent of SIUs. As Control Authority, the States are responsible for receipt and review of 6.21 percent of all reports and data submitted by SIUs. Exhibit 9A, therefore, includes burden for these activities.

Exhibit 9B: Labor Hours for Publicly Owned Treatment Works as Users of the Data

Most of the respondent activities described in Exhibit 6C generate reports, information, or data, that must be received, reviewed, and stored by the Control Authority. Exhibit 9B calculates the burden to POTWs as users of these data. As Control Authorities, POTWs are responsible for receipt and review of 93.79 percent of all reports and data submitted by SIUs. Therefore, the associated “review” burden for reports and/or data submitted by SIUs to POTWs (as Control Authorities), has been apportioned accordingly. The numbers of respondents and responses are linked directly to the corresponding item on Exhibit 6C.

Exhibit 9C: Labor Hours for Federal Government as Users of the Data

Most of the respondent activities described in Exhibits 6A and 6B generate reports, information, or data, that must be received, reviewed, and stored by an oversight authority. Exhibit 9C calculates the burden to Federal Agencies (primarily EPA Regions) as users of these data. Where EPA is the Approval Authority (i.e., 33.85 percent of POTWs), reports generated by pretreatment POTWs go to EPA for review. Therefore, the associated “review” burden for the activities described on Exhibit 6B, for which reports or data are submitted to Federal Agencies (as Approval Authorities), has been apportioned accordingly. The numbers of respondents and responses are linked directly to the corresponding item on Exhibit 6B.

In addition, EPA is the Oversight Authority for States acting as Approval Authorities. Activities listed in Exhibit 6A that generate reports or data will be sent to EPA Regions for review. Burden for these review activities are included on Exhibit 9C.

Exhibit 10: Master Table of Annual Burden and Costs to Respondents and Government

Exhibit 10 sums the total annual burden hours and annual costs for the pretreatment program ICR by respondent category. These data are each linked to the originating Exhibit. Please note that Federal Government burden is not included in this exhibit.

